

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 13, 2014

Lyle W. Cayce
Clerk

No. 13-50369
Summary Calendar

VICTOR MANUEL MENDOZA,

Plaintiff-Appellant

v.

UNITED STATES OF AMERICA,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:13-CV-86

Before HIGGINBOTHAM, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

The judgment of the District Court is affirmed for essentially the reasons stated in its Memorandum Opinion and Order Dismissing Plaintiff's Complaint and for the additional reason that the Complaint is a collateral attack of Plaintiff's judgment of conviction upon his plea of guilty for violation of 21 U.S.C. § 841, 846 and is barred by *Spina v. Aaron*, 821 F.2d 1126, 1127-

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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29 (5th Cir. 1987); *Heck v. Humphrey*, 512 U.S. 477 (1994); *Stephenson v. Reno*,
28 F.3d 26 (5th Cir. 1994) (per curiam).

AFFIRMED.