

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4614

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SAUL GARCIA-BENITEZ, a/k/a Mario,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Glen E. Conrad, District Judge. (5:06-cr-00046-gec)

Submitted: March 21, 2008

Decided: April 10, 2008

Before TRAXLER, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Roland M. L. Santos, Harrisonburg, Virginia, for Appellant. John L. Brownlee, United States Attorney, Donald R. Wolthuis, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

With the assistance of an interpreter, Saul Garcia-Benitez pled guilty to distribution of fifty grams or more of crack cocaine and possession of a firearm during or in relation to a drug trafficking crime. On appeal, he alleges that the district court failed to allow him to fully allocute prior to sentencing him, in violation of Fed. R. Crim. P. 32. For the reasons that follow, we affirm.

Because Garcia-Benitez did not raise this claim below, our review is for plain error. See Fed. R. Crim. P. 52(b); United States v. Olano, 507 U.S. 725, 731-32 (1993) (providing standard). The record reveals that Garcia-Benitez was invited to personally address the court prior to sentencing, and did so. There is no indication that the district court "cut him off," as he claims in his brief, or otherwise prevented him from speaking as much as he desired prior to imposition of the sentence. Accordingly, this claim fails. We therefore affirm.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED