United States Court of Appeals
Fifth Circuit

F I L E D

October 2, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50082
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HOMAR LEDEZMA-LEDEZMA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:04-CR-1656-ALL

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:[*]

Homar Ledezma-Ledezma (Ledezma) appeals his guilty-plea
conviction of importing into the United States more than 50
kilograms of a mixture and substance containing marijuana. See
21 U.S.C. §§ 952(a), 960(a)(1) and (b)(3). Ledezma argues that
his guilty plea was not knowingly and voluntarily entered because
the magistrate judge who conducted his plea colloquy failed to
comply with Federal Rule of Criminal Procedure 11(b)(1)(D) by
informing him that he had a right to the representation of
counsel at trial, and, if necessary, to have the court appoint an

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[*] 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this opinion should not be published and is not precedent except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.

attorney for him. Ledezma did not challenge in district court the voluntariness of his plea or the magistrate judge's compliance with Rule 11. Accordingly, review is for plain error. See United States v. Vonn, 535 U.S. 55, 59 (2002).

Ledezma has met the first two prongs of the plain error analysis by establishing a Rule 11 error that is clear and obvious. See id. at 59. Nevertheless, Ledezma has not met the third prong of the plain error analysis by showing that the magistrate judge's Rule 11 error affected his substantial rights. See United States v. Dominguez Benitez, 542 U.S. 74, 82-83 (2004). A review of the record as a whole reveals no reasonable probability that, but for the error, Ledezma would not have entered his guilty plea. See id.

The judgment of the district court is AFFIRMED.