

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

United States Court of Appeals
Fifth Circuit

FILED

July 10, 2014

Lyle W. Cayce
Clerk

No. 12-41354
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EFRAIN PORTILLO-CABALLERO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:11-CR-1198-1

Before REAVLEY, JONES, and PRADO, Circuit Judges.

PER CURIAM:*

Efrain Portillo-Caballero pleaded guilty to being an alien found unlawfully in the United States after deportation, and he was sentenced to a 46-month term of imprisonment. Portillo-Caballero contends that the district court failed to inform him at arraignment, as is required by Federal Rule of Criminal Procedure 11(b)(1)(A), that the Government had the right to use against him any statement that he gave under oath in a prosecution for perjury

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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or false statement. The Government concedes that Portillo-Caballero did not receive the admonishment under Rule 11(b)(1)(A) but contends that the district court's omission did not affect Portillo-Caballero's substantial rights.

Because Portillo-Caballero did not raise this issue in the district court, we review only for plain error. *See United States v. Vonn*, 535 U.S. 55, 58-59 (2002). Portillo-Caballero has not shown a reasonable probability that, but for the error, he would not have entered his guilty plea. *See United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004).

AFFIRMED.