

September 23, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-30032  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRY MICHAEL BROADWAY,  
also known as Jason M, Randel,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 03-CR-50058-ALL  
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Before EMILIO M. GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Terry Michael Broadway appeals his guilty-plea conviction for being a felon in possession of a firearm. Broadway was sentenced to a term of imprisonment of 120 months to be followed by a three-year term of supervised release.

Broadway argues that the district court erred when it denied his motion to withdraw his guilty plea. This court accords broad discretion to the district court's decision regarding a motion to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

withdraw and will reverse such a decision only for an abuse of that discretion. United States v. Carr, 740 F.2d 339, 343-44 (5th Cir. 1984). The totality of the circumstances in this case indicates that Broadway has failed to demonstrate a fair and just reason for withdrawing his guilty plea. See id.

The judgment of the district court is therefore AFFIRMED.