

March 21, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-11322
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LORENZO VERDUZCO-MENDOZA,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CR-361-3

Before KING, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Lorenzo Verduzco-Mendoza pleaded guilty to one count of conspiracy to possess with intent to distribute more than 500 grams of methamphetamine. He appeals the denial of his motion to withdraw his guilty plea. We find no error in the district court's application of the factors to be considered in deciding whether to grant a motion to withdraw. See United States v. Carr, 740 F.2d 339, 343-44 (5th Cir. 1984). Verduzco-Mendoza's assertions of innocence were not made under oath, and he has

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

provided no good justification for his delay in seeking to withdraw his guilty plea. See id.; see also United States v. Clark, 931 F.2d 292, 294-95 (5th Cir. 1991). His plea was knowingly and voluntarily entered and he enjoyed the close assistance of counsel. See Carr, 740 F.2d 343-44. The district court's finding that Verduzco-Mendoza's motion to withdraw his guilty plea was an attempt to manipulate the system was not clearly erroneous, and the court did not abuse its discretion in denying the motion. See id. at 343-45; see also United States v. Powell, 354 F.3d 362, 370 (5th Cir. 2003).

AFFIRMED.