

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50273  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS LUIS MARTINEZ-MARTINEZ, also known  
as Luis Olivares-Provincini, also known  
as Francisco Javier Vera-Soto,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-97-CR-189-1  
- - - - -

February 11, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.\*

PER CURIAM:\*\*

Carlos Luis Martinez-Martinez (Martinez) appeals from his guilty-plea conviction for illegal reentry into the United States after deportation, 8 U.S.C. § 1326. Martinez argues that his guilty plea must be vacated because of his assertions that the district court misstated the charge against him at his guilty-plea hearing, violating Fed. R. Crim. P. 11(c), and that the

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\*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

factual basis offered in support of the plea failed to substantiate the elements of the offense charged in the information, violating Rule 11(f). We have reviewed the record and the briefs of the parties, and we hold that the district court did not commit error under Rule 11(f) and that any error committed by the district court under Rule 11(c) was harmless. See United States v. Adams, 961 F.2d 505, 510 (5th Cir. 1992).

AFFIRMED.