

FILED

IN THE UNITED STATES COURT OF APPEALS November 8, 2006

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-60250

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS ROBERTO QUINTERO,

Defendant - Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:03CR161-M

Before BARKSDALE, DeMOSS, and PRADO, Circuit Judges.

PER CURIAM:*

Defendant Luis Robert Quintero ("Quintero") pled guilty to possession with intent to distribute in excess of five kilograms of cocaine, in violation of 21 U.S.C. § 841(a), (b)(1)(A), but reserved the right to appeal the denial of his motion to suppress evidence seized

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

following a stop and subsequent search of the trailer of his commercial truck. Quintero now exercises his right to appeal. All of Quintero's arguments are foreclosed by *United States v. Castelo*, 415 F.3d 407 (5th Cir. 2005), in which Quintero's co-defendant appealed on the very same issue. The district court's order denying Quintero's motion to suppress is affirmed.

In addition, Quintero appeals the district court's denial of his motion to withdraw his guilty plea. When considering whether to grant a motion to withdraw a guilty plea this Court takes into consideration the factors set forth in *United States v. Carr*, 740 F.2d 339, 343-44 (5th Cir. 1984). A review of the record shows that the district court properly applied these factors. Furthermore, Quintero fails to identify how the district court abused its discretion. Therefore, the district court's order denying Quintero's motion to withdraw his guilty plea is affirmed.

AFFIRMED.