

October 27, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-30305  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN R REGESTER, II, also known as Johnny Rotten,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:05-CR-30019  
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Before DAVIS, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:\*

John Register appeals his guilty-plea conviction of conspiracy to distribute and possess with intent to distribute methamphetamine. Register faced a mandatory minimum sentence of 10 years because of a prior drug felony conviction. See 21 U.S.C. § 841(b)(1)(B)(viii). The district court sentenced Register to 262 months of imprisonment. Register argues that the district court erred when it failed to adequately inform him of the 10-year mandatory minimum sentence as required by FED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

R. CRIM. P. 11(b)(1)(I). Where, as here, a defendant fails to object to a Rule 11 error in the district court, this court reviews for plain error. United States v. Vonn, 535 U.S. 55, 59 (2002).

The district court informed Regester at his plea hearing that "[t]he maximum possible penalty for Count 1 is a term of imprisonment of not less than ten years nor more than life. . . ." Although the district court's statement at the guilty-plea hearing could have been more artfully phrased, it notified Regester that he faced a sentence of 10 years to life. Moreover, a notice the Government filed prior to the plea hearing and the presentence report both correctly reflected that Regester faced a mandatory minimum sentence of 10 years in prison. Regester does not argue or allege that he would have pleaded differently had the court's admonition been clearer. See United States v. Vasquez-Bernal, 197 F.3d 169, 171 (5th Cir. 1999). Considering the record as a whole, Vonn, 535 U.S. at 59, the district court's failure to accurately advise Regester of the mandatory minimum sentence does not constitute plain error. The judgment of the district court is AFFIRMED.