

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-10528
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN MARTINEZ, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:00-CR-14-1

December 13, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Juan Martinez, Jr., appeals the district court's revocation of his supervised release. He asserts that the district court should have required the Government to present independent evidence against him and that the court should have provided reasons for its judgment. These are rights which were waived by Martinez's plea of true to the charges against him. See Morrissey v. Brewer, 408 U.S. 471, 489 (1972); United States v. Holland, 850 F.2d 1048, 1050-51 (5th Cir. 1988); United States v. Ayers, 946 F.2d 1127, 1129-30 (5th Cir. 1991). Martinez also

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

contends that the district court should have ascertained on the record that his plea was knowing and voluntary as is required under Boykin v. Alabama, 395 U.S. 238 (1969). Because Martinez did not object to the district court's failure to do so at the revocation hearing, review is for plain error. United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc).

Martinez has failed to show plain error arising out of the district court's failure to provide him the protections of Boykin at his supervised-release-revocation hearing. Consequently, the district court's decision is AFFIRMED.