

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20590  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS CECENO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CR-779-ALL  
- - - - -

February 20, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Jesus Ceceno appeals his sentence for possession with intent to distribute 500 grams or more of cocaine. He argues that the district court failed to comply with Fed. R. Crim. P. 32(c)(3)(A) at the sentencing hearing. Rule 32(c)(3)(A) provides that before imposing sentence, the court must verify that the defendant and defendant's counsel have read and discussed the PSR. Ceceno concedes that his argument is foreclosed by this court's precedent and states that it is raised here solely for issue preservation purposes.

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

Although the district court in this case may have erred in not verifying that Ceceno and his attorney had read and discussed the PSR, Ceceno does not allege prejudice, or, that he did not read the PSR and discuss it with his attorney. Nor did he raise this issue at the sentencing hearing. Under United States v. Esparza-Gonzalez, 268 F.3d 272 (5th Cir. 2001), there was no plain error.

AFFIRMED.