

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41091
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PABLO ALFONSO FUENTES-CAMPOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-01-CR-217-1

June 18, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Pablo Alfonso Fuentes-Campos appeals his conviction following a guilty plea to illegal reentry. He argues that the factual basis was insufficient to support his guilty plea because it did not establish that he was "present in the United States" and that he was "found in Cameron County, Texas," as charged in the indictment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Federal Rule of Criminal Procedure 11(f) requires the district court to ensure that there is a factual basis for the plea by comparing "(1) the conduct to which the defendant admits with (2) the elements of the offense charged in the indictment or information" to ensure that the defendant understands not only the nature of the charge but also that his conduct falls within the charge. United States v. Marek, 238 F.3d 310, 315 (5th Cir.) (en banc) (citation omitted), cert. denied, 122 S. Ct. 37 (2001). We review Fuentes's challenge for plain error only. See United States v. Vonn, 122 S. Ct. 1043, 1046 (2002) (applying plain-error review to unobjected-to Rule 11 violations).

Fuentes did not voluntarily approach customs officials at a port of entry, cf. United States v. Angeles-Mascote, 206 F.3d 529 (5th Cir. 2000), and, moreover, the factual recitation indicates that the portion of the bridge on which the train was traveling when he was found by U.S. Customs agents was located in Cameron County, Texas. Fuentes has therefore not established plain error, and his conviction is AFFIRMED.