

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50135
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN JOSE ESPINOZA-GONZALEZ,

Defendant-Appellant.

No. 01-50216

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PEDRO ALVITER-SEGURA,

Defendant-Appellant.

No. 01-50329

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GUSTAVO GARCIA-LOPEZ,

Defendant-Appellant.

No. 01-50377

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ABEL GERARDO HUERTA-VELASQUEZ,

Defendant-Appellant.

No. 01-50135 c/w
No. 01-50216
No. 01-50329
No. 01-50377
-2-

Appeals from the United States District Court
for the Western District of Texas
USDC No. DR-00-CR-521-1-FB

December 7, 2001

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

In unrelated cases, Juan Jose Espinoza-Gonzalez, Pedro Alviter-Segura, Gustavo Garcia-Lopez, and Abel Gerardo Huerta-Velasquez appeal from their sentences following guilty pleas to charges of illegal reentry into the United States subsequent to deportation. The cases have been consolidated on appeal. All defendants argue that the district court erred at sentencing by failing to inquire whether the defendants and counsel had read their presentence reports ("PSR") in violation of Fed. R. Crim. P. 32(c)(3)(A). They contend that this error requires remand for resentencing.

We agree with the defendants that the district court failed to comply with Rule 32(c)(3)(A). However, because the defendants did not raise the issue of noncompliance in the district court, we will correct the error only if it was plain and affected their substantial rights. See United States v. Esparza-Gonzalez, __ F.3d __ (5th Cir. Sept. 26, 2001, No. 01-50213), 2001 WL 1135317, at *1; see also United States v. Olano, 507 U.S. 725,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 01-50135 c/w
No. 01-50216
No. 01-50329
No. 01-50377
-3-

732-34 (articulating the plain error standard of review). The defendants have failed to show that the district court's error was prejudicial and have not demonstrated plain error. Esparza-Gonzalez, 2001 WL 1135317 at *1.

AFFIRMED.