

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 01-60203
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EVERETT NAPOLEAN ESTEBAN,

Defendant-

Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:00-CR-138-1-BN

November 8, 2001

Before DAVIS, BENAVIDES and STEWART, Circuit Judges:

PER CURIAM:*

Everett Napoleon Esteban appeals his guilty plea conviction for conspiracy to distribute 500 grams or more of methamphetamine. He argues that the district court abused its discretion in denying his motion to withdraw his guilty plea.

The district court may grant a motion to withdraw a guilty plea before a defendant is sentenced if the defendant shows “any fair and just reason.” Fed. R. Crim. P. 32(e). This court reviews the denial of a Rule 32(e) motion for abuse of discretion. See United States v. Grant, 117 F.3d 788, 789 (5th Cir. 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

While under oath at the arraignment hearing, Esteban admitted his guilt and indicated that he was entering his guilty plea voluntarily and free from threats or coercion. Esteban subsequently admitted his guilt during interviews with the probation officer and federal prosecutor and offered no evidence that he had expressed any reservation about his guilty plea at either interview. Given the district court's finding that Esteban's testimony at the motion hearing lacked credibility in light of his frequent and convenient lapses of memory as to relevant questions, we hold that the district court did not abuse its discretion in denying Esteban's motion to withdraw his guilty plea. Accordingly, the judgment of conviction is AFFIRMED.