

April 20, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50166
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STEPHEN JOE HICKS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. P-01-CR-440-ALL

Before JONES, SMITH, and PRADO, Circuit Judges.

PER CURIAM:*

Stephen Joe Hicks appeals his guilty-plea convictions for two counts of wire fraud in violation of 18 U.S.C. § 1343. Hicks argues that the district court abused its discretion by denying his motion to withdraw his guilty plea.

"[A] district court may, in its discretion, permit withdrawal before sentencing if the defendant can show a 'fair and just reason.'" United States v. Powell, 354 F.3d 362, 370 (5th Cir. 2003) (citing FED. R. CRIM. P. 11(d)(2)). A review of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the seven relevant factors reveals that the district court did not abuse its discretion by denying Hicks's motion to withdraw his guilty plea. See United States v. Carr, 740 F.2d 339, 343-44 (5th Cir. 1984).

AFFIRMED.