

July 19, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-50370  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAMON PARRA-PARRA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:04-CR-1585-2-DB  
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Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Ramon Parra-Parra appeals the 120-month sentence imposed following his guilty-plea conviction of conspiracy to possess with intent to distribute marijuana and possession with intent to distribute marijuana. He argues that the district court lacked authority to enhance his sentence because the Information and Amended Information filed by the Government did not satisfy the requirements of 21 U.S.C. § 851.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

For the first time on appeal, Parra challenges the Information by arguing that the Government failed to properly file and serve the document. Because Parra did not challenge the Information in the district court on the basis he now asserts, his argument is subject to plain error review. See United States v. Dodson, 288 F.3d 153, 161-62 (5th Cir. 2002); see also United States v. Olano, 507 U.S. 725, 731-37 (1993).

A review of the arraignment transcript indicates that the Government filed and served the Information prior to the entry of Parra's guilty plea, as required by § 851. Additionally, although the Information identified the wrong venue for the prior conviction, the record establishes that Parra was not misled by the erroneous venue designation. See United States v. Steen, 55 F.3d 1022, 1028 (5th Cir. 1995). Therefore, the error does not negate the notice provided by the Information. See id.

Parra has not established plain error with regard to the sufficiency of the Information. See Olano, 507 U.S. at 731-37. Because the original Information filed in this case was sufficient under § 851, it is not necessary to address Parra's arguments regarding the sufficiency of the Amended Information.

The district court did not lack authority to impose the enhanced sentence. See Steen, 55 F.3d at 1025. Accordingly, the judgment is AFFIRMED.