

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 12, 2008

No. 07-30053
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MARGENE CHAMBERS

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:06-CR-50-ALL

Before JOLLY, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

Margene Chambers appeals from his guilty-plea conviction for distributing 50 grams or more of cocaine base. He argues that the district court erred when it failed to adequately inform him of the 10 year mandatory minimum sentence as required by Federal Rule of Civil Procedure 11(b)(1)(I) and implied that it had the discretion to apply the safety valve provision. Where, as here, a defendant

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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fails to object to a Rule 11 error in the district court, this court reviews for plain error. *United States v. Vonn*, 535 U.S. 55, 59 (2002).

The district court informed Chambers at his arraignment hearing that “[t]he maximum possible sentence that could be imposed on you in the event of a conviction, or on a plea of guilty, or after trial [in] which you’re found guilty is a mandatory minimum of ten years and a maximum term of life imprisonment.” Although the district court’s statement could have been more artfully phrased, it was sufficient to notify Chambers that he faces a sentence of 10 years to life. Moreover, the presentence report correctly reflected the mandatory minimum sentence. To the extent that Chambers argues that the district court misinformed him of the applicability of the safety valve provision, that argument lacks factual merit. Considering the record as a whole, the district court did not commit plain error on these bases. *Id.*

The judgment of the district court is **AFFIRMED**.