

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 14, 2008

Charles R. Fulbruge III
Clerk

No. 07-30204
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

EMILE NICKERSON

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:05-CR-108-1

Before JOLLY, DAVIS and DeMOSS, Circuit Judges

PER CURIAM:*

Emile Nickerson was convicted of three counts of distributing crack cocaine and sentenced to serve ten years in prison. Nickerson appeals his convictions. He argues that he should have been permitted to withdraw his pleas because the district court did not accept them at arraignment. Nickerson has shown no plain error in connection with this claim. See *United States v. Vasquez*, 216 F.3d 456, 459 (5th Cir. 2000). Indeed, Nickerson has failed to show that the district court did not accept his plea at arraignment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rather, the record is unclear concerning when the plea was accepted. A fortiori, Nickerson has shown no plain error in connection with his claim that he was entitled to withdraw his plea because it had not yet been accepted. See *id.* The judgment of the district court is AFFIRMED.