

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

United States Court of Appeals
Fifth Circuit

FILED

April 21, 2014

Lyle W. Cayce
Clerk

No. 12-11148
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERICKA G. BEH,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:11-CR-78-2

Before KING, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Ericka G. Beh appeals her conviction of conspiracy to possess stolen mail matter. Beh pleaded guilty with the benefit of a plea agreement made pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. In conformity with the terms of the plea agreement, the district court sentenced Beh to 34 months of probation, with the first 10 months subject to home confinement. Beh argues that the district court abused its discretion by

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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denying her motion to withdraw her guilty plea. She contends that her guilty plea was not knowing and voluntary as a result of the lingering effects of her medical treatment and her fear of the impact of imprisonment upon her health.

The district court applied *United States v. Carr*, 740 F.2d 339, 343-44 (5th Cir. 1984), and considered each of the seven factors set forth therein. The district court found that all but two of the *Carr* factors weighed against granting Beh's motion to withdraw her guilty plea. The district court's determinations with regard to those factors are supported by the record. Accordingly the district court did not abuse its discretion by denying Beh's motion to withdraw her guilty plea. *See United States v. McKnight*, 570 F.3d 641, 645 (5th Cir. 2009).

AFFIRMED.