

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

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No. 13-50140  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 26, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR MANUEL CARDIEL-GONZALEZ, also known as Victor Manuel Cardiel-Gonzalez,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:12-CR-235-1

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Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:\*

Victor Manuel Cardiel-Gonzalez appeals his conviction for illegal reentry following removal. He contends that the district court erred in denying his motion to dismiss the indictment, arguing that he met the requirements for a successful collateral challenge to the underlying removal proceeding. The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Government counters that Cardiel-Gonzalez waived his objections to the underlying removal proceeding by entering a non-conditional guilty plea.

“A plea of guilty admits all the elements of a formal criminal charge and waives all non-jurisdictional defects in the proceedings leading to conviction.” *United States v. Cothran*, 302 F.3d 279, 285-86 (5th Cir. 2002)) (internal quotation marks and citation omitted). Defects in an indictment do not deprive the court of jurisdiction. *United States v. Cotton*, 535 U.S. 625, 630-31 (2002). Thus, even an objection that the indictment fails to allege a federal offense is not jurisdictional and “goes only to the merits of the case.” *Id.* at 631 (internal quotation marks and citation omitted). Accordingly, the judgment of the district court is AFFIRMED.