

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

United States Court of Appeals
Fifth Circuit

FILED

April 22, 2019

Lyle W. Cayce
Clerk

No. 18-40420
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAFAEL GANDARIA, also known as Rafael Gandarilla,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:17-CR-7-1

Before SMITH, WIENER, and WILLETT, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Rafael Gandaria was convicted of being a felon in possession of a firearm and was sentenced to 87 months of imprisonment. Gandaria contends that the district court erred when it denied his motion to withdraw his guilty plea. At the final sentencing hearing, however, Gandaria explicitly withdrew his motion to reconsider in which he had sought to withdraw his guilty plea. Gandaria's claims are therefore waived and

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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unreviewable by this court. *See United States v. Rodriguez*, 602 F.3d 346, 350-51 (5th Cir. 2010); *United States v. Arviso-Mata*, 442 F.3d 382, 384 (5th Cir. 2006). The district court's judgment is AFFIRMED.