

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

United States Court of Appeals
Fifth Circuit

FILED

June 8, 2020

Lyle W. Cayce
Clerk

No. 19-50128
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TERRY CHARLES CARROLL, also known as Terry Carroll,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:18-CR-23-5

Before WIENER, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

Terry Charles Carroll appeals his conviction for conspiracy to possess with intent to distribute 50 grams or more of methamphetamine. He asserts that the district court erred in denying his motion to withdraw his guilty plea.

Because Carroll did not object to the magistrate judge's report recommending the denial of his motion to withdraw his guilty plea, our review is for plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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1420-23, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1); *see also Puckett v. United States*, 556 U.S. 129, 135 (2009) (setting forth the requirements for showing plain error). However, in this case, the standard of review is not determinative as Carroll’s arguments still fail even under the abuse of discretion standard applied to preserved errors. *United States v. Carr*, 740 F.2d 339, 344 (5th Cir. 1984) (noting that district court’s have “broad discretion” with respect to motions to withdraw a guilty plea).

We consider the totality of circumstances, including the seven factors enumerated in *United States v. Carr*, in evaluating the denial of a motion to withdraw a guilty plea. *See id.* at 343-44. The district court considered each of the seven factors and found that all of them weighed against allowing Carroll to withdraw his guilty plea. We see no clear or obvious error or abuse of discretion in the district court’s decision. *See Puckett*, 556 U.S. at 135; *Carr*, 740 F.2d 344; *see also United States v. Lord*, 915 F.3d 1009, 1013-17 (5th Cir.), *cert. denied*, 140 S. Ct. 320 (2019).

AFFIRMED.