

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2022

Lyle W. Cayce
Clerk

No. 21-40877
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARION EARL SIMPSON, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:20-CR-152-2

Before SOUTHWICK, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Marion Earl Simpson, Jr., pleaded guilty to conspiracy to possess with the intent to distribute cocaine in violation of 21 U.S.C. §§ 841(b)(1)(B) & 846, and conspiracy to commit international money laundering in violation of 18 U.S.C. § 1956(a)(2) & (h). He now challenges the latter conviction.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-40877

For the first time on appeal, Simpson argues that the district court erred in accepting his guilty plea because there was an inadequate factual basis as to the international element of the objects of the charged conspiracy offense. Reviewing his argument for plain error in light of the entire record, we affirm. *See United States v. Trejo*, 610 F.3d 308, 313 (5th Cir. 2010). Even if we assume that the district court clearly or obviously erred in finding a sufficient factual basis as to this element, Simpson fails to show that the error affected his substantial rights. *See United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004); *United States v. London*, 568 F.3d 553, 560 (5th Cir. 2009).

AFFIRMED.