

United States Court of Appeals for the Fifth Circuit

No. 23-10404
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 6, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CORY LITTS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-213-3

Before KING, HAYNES, and GRAVES, *Circuit Judges*.

PER CURIAM:*

Cory Litts appeals his conviction for possession with intent to distribute a controlled substance. Litts entered his guilty plea pursuant to a written plea agreement, wherein he waived his right to appeal with limited exceptions. He argues that his guilty plea was not knowingly and voluntarily made because the magistrate judge did not fully explain the waiver provision

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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to him during arraignment in accordance with Federal Rule of Criminal Procedure 11(b)(1)(N).

Our review is for plain error. *United States v. Vonn*, 535 U.S. 55, 58-59 (2002). To show plain error, Litts must show a forfeited error that is clear or obvious and that affects his substantial rights. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). If he makes such a showing, this court has the discretion to correct the error but only if it seriously affects the fairness, integrity, or public reputation of judicial proceedings. *See id.*

The record confirms that Litts read and understood the plea agreement, was aware that he had a right to appeal and that he was giving up that right, and that he knew the consequences of giving up that right. *See United States v. Higgins*, 739 F.3d 733, 736 (5th Cir. 2014). Thus, he has not demonstrated any clear or obvious error regarding the waiver or his plea. *See Puckett*, 556 U.S. at 135.

The judgment of the district court is AFFIRMED.