

United States Court of Appeals for the Fifth Circuit

No. 23-11053
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 3, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SEMAJ KINNEY,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-44-4

Before JOLLY, HIGGINSON, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Semaj Kinney pleaded guilty to conspiracy to possess with intent to distribute fentanyl in violation of 21 U.S.C. § 846 and 21 U.S.C. § 841. He now challenges the sufficiency of the factual basis in support of his guilty plea, relying on *McFadden v. United States*, 576 U.S. 186 (2015).

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

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We review the unpreserved argument for plain error, “examining the entire record for facts supporting the guilty plea and drawing reasonable inferences from those facts to determine whether the conduct to which the defendant admits satisfies the elements of the offense charged.” *United States v. Escajeda*, 8 F.4th 423, 426 (5th Cir. 2021). Based on that review of the record, including the factual basis and other record evidence regarding Kinney’s admitted role in a conspiracy involving hundreds of thousands of fentanyl pills, we are not persuaded that the district court plainly erred in accepting the guilty plea. *See id.*; *United States v. Alvarado-Casas*, 715 F.3d 945, 951-52 (5th Cir. 2013).

AFFIRMED.