IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5655
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNETH BROWN,

Defendant-Appellant.

- - - - - - - - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. 92-5655
- - - - - - - - - - -
June 23, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

The district court did not abuse its discretion by refusing to allow Kenneth Brown to withdraw his guilty plea. United States v. Bounds, 943 F.2d 541, 543 (5th Cir. 1991). It is the defendant's responsibility to establish that withdrawal of a guilty plea is justified. United States v. Daniel, 866 F.2d 749, 752 (5th Cir. 1989).

Brown's first motion to withdraw his plea alleged that he was innocent and that his attorney had coerced him into pleading

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* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

guilty. Brown's unsupported protestation of innocence did not mandate that the court grant the motion to withdraw his plea. United States v. Hurtado, 846 F.2d 995, 997 (5th Cir.), cert. denied, 488 U.S. 863 (1988); United States v. Rinard, 956 F.2d 85, 88-89 (5th Cir. 1992). The record does not support the allegation that Brown's plea was coerced.

Brown's second motion to withdraw his plea was made orally at the sentencing hearing. The motion did not address any of the factors that this Court has identified as relevant to a defendant's motion to withdraw his plea. See United States v. Carr, 740 F.2d 339, 343-44 (5th Cir. 1984), cert. denied, 471 U.S. 1004 (1985). Brown did not object that the district court had not given him a sufficient opportunity to argue the motion. He cannot now argue that the district court abused its discretion by failing to consider arguments that he did not place before the court. United States v. Badger, 925 F.2d 101, 104 (5th Cir. 1991).