

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7532
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM EARNEST AUSTIN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CR-J-92-00029(L)(N)
- - - - -
(June 22, 1993)

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

PER CURIAM:*

William Earnest Austin was indicted for illegally dispensing a controlled substance. Austin filed a motion to dismiss the federal indictment for failure to meet speedy trial time requirements of 18 U.S.C. § 3161(b). The district court overruled the motion and Austin pleaded guilty to the offense. Austin now appeals the district court's ruling.

An unconditional, valid guilty plea waives all nonjurisdictional defects that have occurred during pre-plea

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

proceedings against the defendant. United States v. Bell, 966 F.2d 914, 915 (5th Cir. 1992). A violation of the Speedy Trial Act is a nonjurisdictional defect that is waived by the entry of a guilty plea. Id.

Austin does not argue that he entered an invalid guilty plea. Nothing in the record indicates that the plea was invalid. See United States v. Bachynsky, 934 F.2d 1349, 1354 (5th Cir.)(en banc), cert. denied, 112 S.Ct. 402 (1991). Thus, Austin's argument that the district court erred by overruling his motion to dismiss the indictment for violations of the Speedy Trial Act will not be considered by this Court. The judgment of the district court is AFFIRMED.