

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41232  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OCTAVIO ESTRADA-VALDEZ, also known as  
Jacinto Estrada-Valdez,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-97-CR-194-1  
- - - - -

October 21, 1998

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

PER CURIAM:\*

Octavio Estrada-Valdez, proceeding pro se, appeals his guilty-plea conviction for reentering the United States without the consent of the Attorney General after having been previously arrested and deported. He argues 1) that his guilty-plea was involuntary because his attorney and the prosecutor promised him prior to pleading guilty that his sentence would be less than what he actually received and 2) that he was denied due process by not being given sufficient time to review the addendum to the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

PSR and object to the recommendation therein.

Estrada-Valdez's contention that the Government promised him a particular sentence is not supported by the record.

Furthermore, Estrada-Valdez was informed of the maximum sentence he could receive, and his argument is without merit. See United States v. Gracia, 983 F.2d 625, 629 (5th Cir. 1993)(erroneous prediction by prosecutor and defense attorney of defendant's sentence not grounds for vacating a guilty-plea when defendant was informed of the maximum sentence he could receive).

Both Estrada-Valdez and his attorney stated at the sentencing hearing that they had reviewed the presentence report addendum, and neither indicated that more time was needed to challenge the recommendation contained therein. Estrada-Valdez's argument that he was denied due process by not having sufficient time to review and object to the addendum is without merit.

United States v. Johnston, 127 F.3d 380, 403 (5th Cir. 1997).

His motion for this court to accept his pro se brief and excerpts in the form presented is GRANTED. His motion for an enlargement of time to file a reply brief is DENIED. His conviction and sentence are AFFIRMED.