IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40365
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS QUINTANA-GARCIA,

Defendant-Appellant.

- - - - - - - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-97-CR-454-1
- - - - - - - - - -

April 19, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:[*]

Carlos Quintana-Garcia appeals his conviction of voluntarily being in the United States following deportation in violation of 8 U.S.C. § 1326(a) & (b). He contends that the record of the plea-colloquy hearing does not permit meaningful appellate review. He asserts that we are unable to evaluate his responses to the questions posed by the district court during the colloquy to determine whether his plea was knowing and voluntary. He further contends that the district court erred in accepting 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

findings of the Presentence Report (PSR) despite his timely objections.

Quintana does not contend that the district court varied from the procedures required by Fed. R. Crim. P. 11. Nor does he contend that his plea was not voluntary, that he did not understand the proceedings, or that he did not understand the nature of the charges or the potential sentence he faced. Quintana does not identify a single Rule 11 error on the part of the district court. This point is therefore unavailing.

In the absence of any sworn testimony rebutting the PSR's findings, the district court was entitled to adopt them, Quintana's timely objections notwithstanding. See United States v. Alford, 142 F.3d 825, 832 (5th Cir.), cert. denied, 119 S. Ct. 514 (1998); United States v. Lowder, 148 F.3d 548, 552 (5th Cir. 1998). Accordingly, his sentence and conviction are

AFFIRMED.