

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-11357  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT ALVARADO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:99-CR-28-2  
- - - - -

August 24, 2000

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

PER CURIAM:\*

Robert Alvarado appeals his guilty-plea conviction for conspiracy to possess with intent to distribute and to distribute 1,000 kilograms or more of marijuana. He argues that the trial court plainly erred in failing to inquire further into his competency to plead guilty in light of his continuing treatment for alcohol and drug abuse.

Alvarado's addiction to narcotics does not per se render him incompetent to enter a guilty plea. See Jackson v. United States, 512 F.2d 772, 773 (5th Cir. 1975) (28 U.S.C. § 2255

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion). The record reflects no history of irrational behavior or any prior medical opinion on competency. During the rearraignment, Alvarado appropriately answered the court's questions regarding his understanding of his plea agreement, the nature of the charges against him, and the maximum penalty that he faced. It is also significant that Alvarado's counsel never contended during any of the proceedings that Alvarado was incompetent. Reese v. Wainwright, 600 F.2d 1085, 1092 (5th Cir. 1979). Under these circumstances, Alvarado has failed to show that the district court plainly erred in failing to inquire further as to Alvarado's competency to plead guilty. Accordingly, the judgment of the district court is AFFIRMED.