

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-41041
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 12, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE GARZA, JR.,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 2:12-CR-999-1

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Jose Garza, Jr., appeals from his conviction and sentence following the entry of his guilty plea to (1) possession with intent to distribute more than 500 grams of methamphetamine and (2) conspiracy to do the same. He argues that the judgment against him should be reversed because the district court violated Federal Rule of Civil Procedure 11 by impermissibly interfering with the plea negotiations.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Generally, we review an allegation of a Rule 11 violation for harmless error. *United States v. Hemphill*, 748 F.3d 666, 672 (5th Cir. 2014). Garza did not preserve the error by raising this contention in the district court. *See United States v. Davila*, 133 S. Ct. 2139, 2150 (2013). We review unpreserved issues for plain error only. *See id.*; *United States v. Pena*, 720 F.3d 561, 573 (5th Cir. 2013).

The record reveals that the statements of which Garza complains were made by the district court in the context of ensuring that Garza was represented by competent counsel and in denying Garza's request for bond. The record does not show that the district court interfered with the plea negotiations. *See Hemphill*, 748 F.3d at 673-77. Moreover, the arraignment transcript indicates that Garza's guilty plea was knowing and voluntary. *See Boykin v. Alabama*, 395 U.S. 238, 242-44 (1969). Accordingly, Garza has not demonstrated that the district court committed error, plain or otherwise. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *Hemphill*, 748 F.3d at 672.

The judgment of the district court is AFFIRMED.