

July 10, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50575
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ANTONIO CASTRO RIVERA, also known as Ingeniero,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:03-CR-2046-6

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

After trial on other charges and while the jury was still deliberating, Jose Antonio Castro Rivera (Castro) pleaded guilty to an information charging him with misprision of a felony, that is, conspiracy to import cocaine. Castro contends that the offense requires the concealment of a prior completed felony and that the factual resume does not show that he took affirmative steps to conceal such a felony. Our review is for plain error. See United States v. Calverley, 37 F.3d 160, 162 (5th Cir. 1994)

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(en banc). Based on the trial testimony and Castro's admissions during the rearraignment, the district court did not commit clear or obvious error in determining that Castro had actively concealed a conspiracy to import cocaine. See United States v. Olano, 507 U.S. 725, 735-36 (1993). The judgment is AFFIRMED.