

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

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2009

No. 09-50307
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ISIDRO DELGADO MORA, also known as Isidro Mora-Delgado,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:08-CR-198-1

Before WIENER, DeMOSS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Isidro Delgado Mora pleaded guilty before a magistrate judge (MJ) to one count of illegal reentry into the United States after having been previously deported following an aggravated felony conviction. He was sentenced to 60 months of imprisonment. He argues for the first time on appeal that the district court erred in sentencing him without affirmatively adopting his plea of guilty or the MJ's report recommending that the district court accept his guilty plea.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This Court's review is for plain error. *Puckett v. United States*, 129 S. Ct. 1423, 1429 (2009). To show plain error, the appellant must show a forfeited error that is clear or obvious and that affects his substantial rights. *Id.* If the appellant makes such a showing, this court has the discretion to correct the error but only if it seriously affects the fairness, integrity, or public reputation of judicial proceedings. *Id.*

The record indicates that the district court implicitly accepted Mora's guilty plea. Mora cannot show that the district court committed an obvious error in failing to affirmatively accept his guilty plea before sentencing, nor that the court's failure to do so affected his substantial rights. *See id.*; *United States v. Morales-Sosa*, 191 F.3d 586, 588 (5th Cir. 1999); *United States v. Sanford*, 429 F.3d 104, 107 n.2 (5th Cir. 2005).

AFFIRMED.