

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

No. 18-11388
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 7, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MIGUEL CARRILLO-AYALA, also known as Tomas Rodriguez

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:17-CR-468-4

Before SMITH, DENNIS, and DUNCAN, Circuit Judges.

PER CURIAM:*

Illegal alien Miguel Carrillo-Ayala was convicted, pursuant to his guilty plea, of one count of possession of heroin with intent to distribute and was sentenced to serve 240 months in prison and a three-year term of supervised release. Now, he argues that the district court plainly erred during the plea colloquy by not adequately explaining the appellate waiver clause, as required by Federal Rule of Criminal Procedure 11(b)(1)(N), and by not adequately

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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informing him “that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future,” Fed. R. Crim. P. 11(b)(1)(O).

Because a guilty plea involves the waiver of several constitutional rights, it must be made knowingly and voluntarily in accordance with the strictures of Federal Rule of Criminal Procedure 11. *Boykin v. Alabama*, 395 U.S. 238, 242-44 (1969); *United States v. Brown*, 328 F.3d 787, 789 (5th Cir. 2003). Where, as here, a defendant does not object to Rule 11 errors in the district court, this court reviews for plain error. *United States v. Vonn*, 535 U.S. 55, 59 (2002). To show plain error, the defendant must show a forfeited error that is clear or obvious and that affects his substantial rights. *Puckett v. United States*, 556 U.S. 129, 135 (2009).

Carrillo-Ayala has shown no clear or obvious error in connection with his Rule 11 colloquy. *See Vonn*, 535 U.S. at 59. To the contrary, the record shows that he was adequately apprised of the consequences of his plea, including his waiver of his appellate rights and the immigration consequences of his plea. *See id.*; *Boykin*, 395 U.S. at 242-44; Rule 11(b)(1)(N), (O).

AFFIRMED.