

United States Court of Appeals
for the Fifth Circuit

No. 20-50042
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2021

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSHUA ADAM OLGIN,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:19-CR-190-1

Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:*

Joshua Adam Olgin appeals his conviction for possession with intent to distribute five grams or more of actual methamphetamine. For the first time on appeal, he argues that the district court erred in accepting his guilty plea because there was an inadequate factual basis as to his intent to distribute

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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or his possession of actual methamphetamine rather than a mixture or substance containing a detectable amount of methamphetamine. Reviewing his arguments for plain error in light of the entire record, we affirm. *See United States v. Trejo*, 610 F.3d 308, 313 (5th Cir. 2010).

With respect to his intent to distribute, Olgin has failed to establish that any error by the district court was clear or obvious. *See United States v. Alvarado-Casas*, 715 F.3d 945, 952 (5th Cir. 2013); *United States v. Kates*, 174 F.3d 580, 582 (5th Cir. 1999). With respect to his possession of actual methamphetamine, even if we assume that the district court clearly or obviously erred in finding a sufficient factual basis as to that element, Olgin fails to show that the error affected his substantial rights. *See United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004).

AFFIRMED.