

United States Court of Appeals for the Fifth Circuit

No. 25-40460
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 26, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CARL WAYNE HITE, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:23-CR-103-1

Before DAVIS, RICHMAN, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Carl Wayne Hite, Jr., appeals his conviction for conspiracy to possess with intent to distribute fentanyl. He raises a single issue challenging the denial of his motion to withdraw his guilty plea.

Our review of the record shows that the district court's assessment of the *United States v. Carr*, 740 F.2d 339, 345 (5th Cir. 1984), factors was not

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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based on an error of law or a clearly erroneous assessment of the evidence. *See United States v. Strother*, 977 F.3d 438, 443 (5th Cir. 2020). As Hite concedes, he did not assert his innocence. “When, as here, the district court has already reviewed the PSR and other materials, a motion to withdraw is disruptive to the trial docket and inconveniences the court.” *See United States v. Lord*, 915 F.3d 1009, 1015 (5th Cir. 2019). Furthermore, the two-month delay in moving to withdraw also weighed against withdrawal. *See Carr*, 740 F.2d at 345. The record also demonstrates that Hite had close assistance of counsel; he expressed satisfaction with trial counsel, who negotiated a plea agreement, discussed the case, and explained the evidence. *See United States v. McKnight*, 570 F.3d 641, 646 (5th Cir. 2009). Furthermore, he entered a knowing and voluntary guilty plea. *See United States v. Urias-Marrufo*, 744 F.3d 361, 366 (5th Cir. 2014).

Accordingly, Hite has not demonstrated that the district court abused its discretion by denying his motion to withdraw his guilty plea. *See Strother*, 977 F.3d at 443. Nor has he shown that it was an abuse of discretion to deny relief without an evidentiary hearing. *See United States v. Powell*, 354 F.3d 362, 370 (5th Cir. 2003).

AFFIRMED.