

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 17, 2026

Lyle W. Cayce
Clerk

No. 25-40816
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE GUADALUPE RAMIREZ-ZAPATA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:24-CR-2046-1

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

PER CURIAM:*

Jose Guadalupe Ramirez-Zapata appeals his guilty plea conviction for illegal reentry after deportation. He argues that the district court plainly erred by failing to advise him of the immigration consequences of his plea, in violation of Federal Rule of Criminal Procedure 11(b)(1)(O). Because he was

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

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not so advised, he also argues that his plea was not knowing and voluntary and, thus, he was deprived of due process.

We have not held that a district court's failure to advise a defendant of the immigration consequences of his plea results in a denial of due process; thus, as to his due process claim, Ramirez-Zapata cannot show that any error was clear or obvious. *See United States v. Gonzalez*, 792 F.3d 534, 538 (5th Cir. 2015).

As the Government concedes in its brief, we agree that the district court's failure to comply with Rule 11(b)(1)(O) was an error that was clear or obvious. *See* FED. R. CRIM. P. 11(b)(1)(O); *Puckett v. United States*, 556 U.S. 129, 135 (2009). However, we also agree that Ramirez-Zapata has not shown that this error affected his substantial rights. *See United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004).

AFFIRMED.