

# United States Court of Appeals for the Fifth Circuit

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No. 25-50546  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 8, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MARK MARTINEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:23-CR-605-1

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Before HAYNES, GRAVES, and RAMIREZ, *Circuit Judges.*

PER CURIAM:\*

Mark Martinez pleaded guilty to numerous charges involving the sexual abuse of a child; the receipt, distribution, and possession of child pornography; and sex offender notification offenses. He subsequently filed a motion to withdraw his guilty plea, which the district court denied without a hearing. Martinez appeals that denial.

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

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We review a district court's denial of a defendant's motion to withdraw a guilty plea for an abuse of discretion. *United States v. Lord*, 915 F.3d 1009, 1013-14 (5th Cir. 2019). Our review of the record, Martinez's arguments, and the district court's consideration of the factors in *United States v. Carr*, 740 F.2d 339, 343-44 (5th Cir. 1984), establishes that the district court did not abuse its discretion in denying Martinez's motion. *See Lord*, 915 F.3d at 1013-14. Furthermore, the court did not abuse its discretion in doing so without an evidentiary hearing. *See United States v. Harrison*, 777 F.3d 227, 234 (5th Cir. 2015); *United States v. Powell*, 354 F.3d 362, 370 (5th Cir. 2003).

AFFIRMED.