

United States Court of Appeals
for the Fifth Circuit

No. 26-50063
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 27, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CRISTIAN MANUEL YUPA-YUPA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:25-CR-1810-1

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Cristian Manuel Yupa-Yupa appeals his conviction for illegal reentry into the United States pursuant to 8 U.S.C. § 1326, arguing that his guilty plea was not knowing and voluntary because the district court failed to comply with the requirements of Federal Rule of Criminal Procedure 11.

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

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Because he did not raise this issue in the district court, we review for plain error. *See United States v. Vonn*, 535 U.S. 55, 58-59 (2002).

Yupa-Yupa argues that the district court failed to ensure that he understood the nature of the offense because it did not inform him that the statute only applies to those who are “free from official restraint” at the time of apprehension. *See* FED. R. CRIM. P. 11(b)(1)(G). Yupa-Yupa also contends that the factual basis was insufficient to support his guilty plea. *See* FED. R. CRIM. P. 11(b)(3). However, he cannot demonstrate a clear or obvious error with respect to the Rule 11 colloquy because he was advised of the correct elements of the offense and admitted that he committed acts corresponding to those elements. *See United States v. Lujano-Perez*, 274 F.3d 219, 224 (5th Cir. 2001); *United States v. Marek*, 238 F.3d 310, 314 (5th Cir. 2001) (en banc); *United States v. Flores-Peraza*, 58 F.3d 164, 166 (5th Cir. 1995). Further, he cites no binding authority holding that Rule 11 requires more. His failure to show a clear or obvious error under existing law is dispositive in his case. *See United States v. Gonzalez*, 792 F.3d 534, 538 (5th Cir. 2015).

Accordingly, the judgment of the district court is AFFIRMED.