

February 7, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-21033  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN FERNANDO LICEA-CEDILLO, also known as Cacahuate,  
also known as Alvaro Galicia Castro,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:03-CR-275-1  
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Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:\*

Juan Fernando Licea-Cedillo (Licea) appeals his guilty-plea conviction for conspiracy to transport and harbor undocumented aliens for financial gain, resulting in death. Licea argues that the Government breached the plea agreement by failing to move for a reduction based on his acceptance of responsibility.

Because Licea did not raise this argument in the district court, review is for plain error. See United States v. Reeves, 255 F.3d 208, 210 (5th Cir. 2001). Even if the Government

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

breached the plea agreement, Licea has not demonstrated that any error affected his substantial rights. See United States v. Miller, 406 F.3d 323, 335-36 (5th Cir.), cert. denied, 126 S. Ct. 207 (2005). The district court clearly and repeatedly rejected Licea's denial that he oversaw the placement of the aliens into the grain car, as well as his argument that he was not, as part of the conspiracy, responsible for the actions which led to the deaths of eleven aliens.

Accordingly, the judgment is AFFIRMED.