

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50708
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL JOSEPH, JR., also known as Andrew Smith,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-99-CR-112-2

April 17, 2002

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Daniel Joseph, Jr., also known as Andrew Smith, appeals from his conviction following his guilty plea to conspiracy to possess with intent to distribute more than 500 grams of cocaine. Joseph argues that the district court did not comply with FED. R. CRIM. P. 11(f), which requires the district court to determine whether there is a factual basis for a guilty plea.

Because Joseph did not raise his Rule 11(f) objection in the district court, this court's review is for plain error only.

United States v. Vonn, 122 S. Ct. 1043, 1046 (2002). The plea

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

agreement, the plea colloquy, and the magistrate judge's fact finding that Joseph's plea was supported by an independent basis in fact, which contained each of the essential elements of his offense, as well as evidence presented at the sentencing hearing, all show that the district court met the requirements of Rule 11(f). Joseph has not shown plain error.

AFFIRMED.