

May 29, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-10898
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN EDWARD SAUNDERS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:05-CR-46

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

John Edward Saunders appeals his conviction of bank robbery. Saunders contends that there was no factual basis for his plea because the facts set out in the written factual basis, which was recited at his arraignment, indicated that he used a firearm at the bank president's home before he robbed the bank, and not during the actual robbery.

Any possible deficiency in the factual basis supporting Saunders's plea did not affect his substantial rights. The presentence report indicated that Saunders pointed a firearm at

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the face of a bank employee during the robbery. See United States v. Adams, 961 F.2d 505, 512-13 (5th Cir. 1992).

AFFIRMED; MOTION FOR DISMISSAL OR SUMMARY AFFIRMANCE DENIED;
ALTERNATIVE REQUEST FOR EXTENSION OF TIME DENIED.