

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

August 5, 2013

Lyle W. Cayce  
Clerk

---

No. 12-41238

Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN HUMBERTO CARDENAS-RAMIREZ, also known as Michel Cardenas-Felix, also known as Felix Luis Cardenas-Ramirez,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:08-CR-406-1

---

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:\*

Juan Humberto Cardenas-Ramirez appeals the district court's revocation of his supervised release imposed in connection with his 2008 conviction for illegal reentry after deportation. Cardenas-Ramirez argues that the district court plainly erred in failing to ascertain whether his plea of true was knowing and voluntary and that this error violated his due process rights. Cardenas-

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

## No. 12-41238

Ramirez acknowledges that this court has not yet decided whether *Boykin v. Alabama*, 395 U.S. 238 (1969), extends to revocation hearings, but he argues that this court should apply *Boykin* to revocation proceedings.

As Cardenas-Ramirez concedes, because he did not raise this issue in the district court, our review is limited to the familiar plain error standard. See *Puckett v. United States*, 556 U.S. 129, 134-35 (2009). Although we have not yet addressed whether *Boykin* applies to revocation hearings, see *United States v. Johns*, 625 F.2d 1175, 1176 (5th Cir. 1980), other circuits have held *Boykin* inapplicable to revocation proceedings. See *United States v. Pelensky*, 129 F.3d 63, 67-68 (2d Cir. 1997); *United States v. Rapert*, 813 F.2d 182, 184-85 (8th Cir. 1987); *United States v. Segal*, 549 F.2d 1293, 1296-1301 (9th Cir. 1977). Given the foregoing, any error by the district court with regard to failing to ascertain the knowing and voluntary nature of the plea was not clear or obvious, and therefore, it does not meet the plain error standard. See *United States v. Garcia-Rodriguez*, 415 F.3d 452, 455-56 (5th Cir. 2005).

Accordingly, the judgment of the district court is AFFIRMED.