

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20494
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DOMINGO GARCIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-94-CR-120-2
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Domingo Garcia's sole issue for appeal is whether the district court committed reversible error by failing to advise him at the time of his guilty plea of the meaning and effect of supervised release. This court employs a two-part analysis in determining whether the district court has complied with Fed. R. Crim. P. 11: "(1) [d]id the sentencing court in fact vary from

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the procedures required by Rule 11, and (2) if so, did such variance affect substantial rights of the defendant?"

United States v. Johnson, 1 F.3d 296, 298 (5th Cir. 1993) (en banc).

Garcia does not assert that the failure to explain the effect of supervised release in open court would have altered his decision to plead guilty in any way. There is no indication in the record that the district court's failure to explain the effect of supervised release had any effect upon the outcome of the plea process.

AFFIRMED.