

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50470
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADRIAN LEE, a/k/a AD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-97-CR-42-F-ALL
- - - - -

June 17, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Adrian Lee challenges his guilty-plea conviction and sentence by arguing that the district court varied twice from the procedures outlined in Fed. R. Crim. P. 11, the variances affected Lee's substantial rights, and therefore, the harmful errors require the vacation of his conviction and guilty plea. The variances at issue concern the district court's purported failure to inquire about any promises, apart from any threats or coercion, inducing Lee's guilty plea and the district court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

purported failure to inquire about any prior plea discussions between Lee and the Government. We have carefully reviewed the arguments and the appellate record. Even assuming that there was variance from the Rule 11(d) procedures, we conclude that it could not have affected Lee's decision to plead guilty. See United States v. Johnson, 1 F.3d 296, 302-04 (5th Cir. 1993) (en banc). Thus, any error was harmless. See Rule 11(h).

AFFIRMED.