

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20288  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EUGENIO MEZOMO-DELEON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-97-CR-273-1

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February 18, 1999

Before POLITZ, BARKSDALE and STEWART, Circuit Judges.

PER CURIAM:\*

Eugenio Mezomo-DeLeon appeals from his guilty-plea conviction and sentence for reentry of a deported alien in violation of 8 U.S.C. § 1326. He argues that his guilty plea was not made knowingly and voluntarily because the district court failed to inform him of the applicability of the Sentencing Guidelines or the maximum possible fine he could receive, and it did not inquire whether his plea resulted from prior discussions with the Government. See FED. R. CRIM. P. 11(c)(1) & (d). We find these errors to be harmless because Mezomo-DeLeon has not alleged any prejudice or shown

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

any material effect on his substantial rights or willingness to plead guilty. United States v. Johnson, 1 F.3d 296, 298 (5th Cir. 1993) (en banc); see FED. R. CRIM. P. 11(h).

Mezomo-DeLeon also contends that the district court's failure to inquire whether he had read and discussed the PSR with his attorney prior to sentencing requires reversal. See FED. R. CRIM. P. 32(c)(3)(A). He did not raise this issue at sentencing and he has not met the standard for establishing plain error. See United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc).

AFFIRMED.