

MAY 12 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SERGIO MENDEZ-REYES,

Defendant - Appellant.

No. 10-10257

D.C. No. 4:09-cr-02809-FRZ-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, Senior District Judge, Presiding

Argued and Submitted February 16, 2011
San Francisco, California

Before: O'SCANNLAIN and TROTT, Circuit Judges, and CAMPBELL, District Judge.**

Mendez-Reyes claims that his December 3, 2009 group-plea hearing violated Federal Rule of Criminal Procedure 11 and his Fifth Amendment right to due process. The record patently demonstrates that Mendez-Reyes was sufficiently

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Tena Campbell, Senior United States District Judge for the District of Utah, sitting by designation.

advised of his rights, that he affirmed his understanding of such rights, and that he expressly waived such rights by pleading guilty. As we have held, any Rule 11 violations from this hearing were harmless, and the hearing did not violate due process. *See United States v. Escamilla-Rojas*, No. 10-10185, — F.3d — (9th Cir. 2011).

AFFIRMED.