

JUN 24 2013

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NOT FOR PUBLICATION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.

ALVARO LIBRADO-ENCARNACION,

Defendant - Appellant.

No. 11-10005

D.C. No. 4:10-cr-00047-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Alvaro Librado-Encarnacion appeals from the district court's judgment and challenges his guilty-plea conviction for illegal entry, in violation of 8 U.S.C. § 1325(a)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Librado-Encarnacion contends that the district court violated Federal Rule of Criminal Procedure 11(b)(1) by failing to address him personally in a timely manner. He also contends that the district court violated Rule 11(b)(2) by failing to determine that his plea was voluntary and did not result from force, threats, or promises. We review for harmless error. *See United States v. Aguilar-Vera*, 698 F.3d 1196, 1200 (9th Cir. 2012). Any Rule 11 error was harmless because there is no indication in the record that Librado-Encarnacion would have pled differently in the absence of the alleged errors. *See id.* at 1201-02; *United States v. Escamilla-Rojas*, 640 F.3d 1055, 1060-61 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 101 (2012).

AFFIRMED.