

APR 11 2014

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NOT FOR PUBLICATION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.

DAVID ERASMO ESCAMILLA-
GALLEGOS, a.k.a. David Erasmo
Ecsamilla,

Defendant - Appellant.

No. 13-10378

D.C. No. 4:12-cr-01852-JGZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Jennifer G. Zips, District Judge, Presiding

Submitted April 7, 2014**

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

David Erasmo Escamilla-Gallegos appeals from the district court’s judgment and challenges his guilty-plea conviction for reentry after deportation, in violation of 8 U.S.C. § 1326. 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).

Escamilla-Gallegos contends that his guilty plea was involuntary because, at the time of his pretrial conference and change-of-plea hearing, his confusion was apparent and was aggravated by his recent use of pain medication. We review de novo whether a defendant's plea was voluntary. *See United States v. Kaczynski*, 239 F.3d 1108, 1114 (9th Cir. 2001). Contrary to Escamilla-Gallegos's contention, his statements at the hearing reflect that he pleaded guilty voluntarily. *See id.* at 1115 (substantial weight is given to defendant's in-court statements).

AFFIRMED.