

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

HECTOR VARGAS, a/k/a Rudolpho
Pineda-Rodriguez, a/k/a Jesus
Calderon, a/k/a Jesus, a/k/a Hector
Calderon-Vargas,
Defendant-Appellant.

No. 01-4925

Appeal from the United States District Court
for the Eastern District of North Carolina, at Wilmington.
W. Earl Britt, Senior District Judge.
(CR-01-96)

Submitted: June 6, 2002

Decided: July 15, 2002

Before WILKINS, NIEMEYER, and LUTTIG, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

R. Clarke Speaks, Wilmington, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Assistant United States Attorney, J. Frank Bradsher, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Hector Vargas appeals his conviction and sentence for conspiracy to distribute and possess with the intent to distribute cocaine and marijuana in violation of 21 U.S.C.A. § 841(b)(1)(B) (West 1999) and 21 U.S.C. § 846 (1994). Finding no reversible error, we affirm.

Vargas raises only one issue on appeal, contending that the district court abused its discretion by refusing to accept his guilty plea. Under Rule 11(f) of the Federal Rules of Criminal Procedure, "the court should not enter a judgment upon [a guilty] plea without making such inquiry as shall satisfy it that there is a factual basis for the plea." Furthermore, there is "no absolute right to have a guilty plea accepted," and a district court may "reject a plea in [the] exercise of sound judicial discretion." *Santobello v. New York*, 404 U.S. 257, 262 (1971). We have reviewed the parties' briefs and record on appeal and are satisfied that the district court did not abuse its discretion in rejecting Vargas's guilty plea.

Accordingly, we affirm Vargas's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED