

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4277

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CESAR BENITEZ-ARZATE,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Robert E. Maxwell, Senior District Judge. (2:01-cr-00013-REM)

Submitted: September 29, 2006

Decided: October 16, 2006

Before WILKINSON and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brian J. Kornbrath, Federal Public Defender, Clarksburg, West Virginia, for Appellant. Rita R. Valdrini, Acting United States Attorney, Stephen D. Warner, Assistant United States Attorney, Elkins, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cesar Benitez-Arzate pled guilty to conspiracy to possess with intent to distribute and to distribute 500 grams or more of methamphetamine. On appeal he alleges that his guilty plea is invalid because his interpreter was not certified under the Court Interpreters Act, 28 U.S.C.A. §§ 1827-28 (West 1994 & Supp. 2006). For the reasons that follow, we affirm.

Benitez-Arzate did not object to the non-certification of his Spanish interpreter. Indeed, Benitez-Arzate chose to use the services of the very interpreter of whom he now complains in lieu of the court-certified interpreter originally provided to him by the court and used at his arraignment. We find no plain error in the district court's decision to allow Benitez-Arzate to use the services of the interpreter obtained by his defense counsel. United States v. Paz, 981 F.2d 199, 201 (5th Cir. 1992) (providing review standard for claim of an uncertified interpreter under the Court Interpreters Act); United States v. Gonzales, 339 F.3d 725, 728-29 (8th Cir. 2003) (same).

Accordingly, we affirm. 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