

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4470

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENNETH LAMONT CHAPLIN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (1:05-cr-00186-AMD-1)

Submitted: January 31, 2011

Decided: March 9, 2011

Before NIEMEYER and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Joseph R. Conte, LAW OFFICE OF J.R. CONTE, Washington, D.C., for Appellant. Rod J. Rosenstein, United States Attorney, Bonnie S. Greenberg, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Lamont Chaplin pled guilty to bank robbery, for which he received a 144-month sentence. On appeal, Chaplin argues that his guilty plea and sentence must be set aside because the district court impermissibly and prejudicially participated in plea negotiations in violation of Fed. R. Crim. P. 11(c)(1).

As Chaplin did not object to the district court's alleged involvement in plea discussions, nor attempt to withdraw his plea, we review the alleged violation of Rule 11 under the plain error standard. United States v. Bradley, 455 F.3d 453, 462 (4th Cir. 2006). "[I]n order to prevail, [Chaplin] must demonstrate not only the existence of plain error but also that this error affected [his] substantial rights; . . . [and] that a refusal to notice the error would seriously affect the fairness, integrity, or public reputation of judicial proceedings. Id.

We have reviewed the record and conclude that the court was not impermissibly involved in plea negotiations. Furthermore, Chaplin cannot establish that the district court's alleged Rule 11(c)(1) error affected the fairness, integrity, or public reputation of the judicial proceedings. 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