

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-2879

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United States of America,

Appellee,

v.

Juan Carlos Magallon-Avalos,

Appellant.

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Appeal from the United States  
District Court for the  
Northern District of Iowa.

**[UNPUBLISHED]**

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Submitted: November 7, 2003

Filed: November 26, 2003

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Before RILEY, McMILLIAN, and SMITH, Circuit Judges.

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PER CURIAM.

In this direct criminal appeal, Juan Magallon-Avalos (Magallon) challenges his conviction for illegally reentering the United States after being deported following a felony conviction. For reversal Magallon argues that the district court<sup>1</sup> failed to comply with Federal Rule of Criminal Procedure 11(b)(1)(I) and (M) in taking his guilty plea. Magallon did not object in the district court and, even if the district court did not comply with the technical requirements of Rule 11, Magallon failed to show

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<sup>1</sup>The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

his substantial rights were affected. See United States v. Vonn, 535 U.S. 55, 58-59 (2002) (defendant who allows Rule 11 error to pass without objection in trial court must satisfy plain error rule, i.e., that claimed plain error affected defendant's substantial rights); United States v. Prado, 204 F.3d 843, 846 (8th Cir. 2000) (analyzing Rule 11 plain error in terms of whether defendant would have otherwise pled guilty).

Accordingly, we affirm.

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