

United States Court of Appeals  
for the Fifth Circuit

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No. 24-10062  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 6, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

BRIAN DANIEL RAMIREZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:23-CR-249-1

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Before ELROD, *Chief Judge*, and HAYNES and DUNCAN, *Circuit Judges*.

PER CURIAM:\*

Brian Daniel Ramirez appeals his guilty plea conviction for conspiracy to possess with intent to distribute a controlled substance. He argues that the factual basis for his plea was insufficient to establish that his conduct constituted a drug conspiracy offense. Because he raises this argument for

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\* This opinion is not designated for publication. *See* 5th Cir. R. 47.5.

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the first time on appeal, we review it for plain error. *See United States v. Trejo*, 610 F.3d 308, 313 (5th Cir. 2010).

According to Ramirez, the factual basis did not establish an agreement between him and his co-conspirators to distribute narcotics or his knowledge of that agreement. The entirety of the record provides a sufficient basis to establish both the existence of the requisite agreement and Ramirez's knowledge of that agreement. *See United States v. Aguirre-Rivera*, 8 F.4th 405, 410 (5th Cir. 2021); *United States v. Harris*, 740 F.3d 956, 962–63 (5th Cir. 2014); *Trejo*, 610 F.3d at 317. Ramirez has therefore failed to show clear or obvious error concerning the factual basis. *See Puckett v. United States*, 556 U.S. 129, 135 (2009).

The district court's judgment is AFFIRMED.