NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Argued February 11, 2026
Decided March 31, 2026

Before

DAVID F. HAMILTON, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 25-1880

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ABEL AYALA-GARCIA,
Defendant-Appellant.

Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division.

No. 1:22-cr-00058-JRS-KMB-5

James R. Sweeney II,
Chief Judge.

O R D E R

Defendant Abel Ayala-Garcia pleaded guilty to conspiring to possess methamphetamine with intent to distribute and conspiring to launder drug money. See 21 U.S.C. §§ 841(a)(1), 846; 18 U.S.C. § 1956(a)(1)(B)(i), (h). He was sentenced within his guideline range to 294 months in prison. Ayala-Garcia seeks for the first time on direct appeal to withdraw his guilty plea. He contends that his plea was not knowing, voluntary, or intelligent, as due process requires. We affirm the district court's judgment.

Ayala-Garcia is one of approximately twenty defendants who were arrested and charged in 2022 as part of a drug-trafficking ring in Indianapolis. The organization smuggled methamphetamine from Mexico, dealt the drugs in Indiana, and laundered the proceeds to a cartel back in Mexico. See *United States v. Gonzalez-Torres*, No. 23-2658, 2024 WL 3887722, at *1 (7th Cir. Aug. 21, 2024) (non-precedential) (describing conspiracy and investigation). Ayala-Garcia regularly bought several pounds of methamphetamine at a time.

By spring 2024, two years after the initial indictment (there have been two since), almost all the other co-defendants had pleaded guilty. Ayala-Garcia and his counsel were having trouble in their communications. For months, Ayala-Garcia wrote pro se letters to the district court to complain about his attorney and to ask for a different one. In May 2024, the district court held a hearing pursuant to *Missouri v. Frye*, 566 U.S. 134 (2012), to affirm on the record that defense counsel had communicated any plea offers extended by the government. Right before the *Frye* hearing, Ayala-Garcia's counsel moved to withdraw from the case. During the *Frye* hearing, Ayala-Garcia testified that he had reviewed the plea offer and a superseding indictment with his attorney but that he still needed more time and preferably new counsel. Though initially skeptical about permitting a change in counsel, the district court later granted the attorney's motion to withdraw. The court noted that the government had offered to renew the plea offer if new counsel were appointed.

After new counsel was appointed, the government renewed the plea offer on October 9, 2024 and set an expiration date of October 25. October 25 came and went without any word from Ayala-Garcia or his counsel. The government requested another *Frye* hearing. After speaking with new defense counsel, the government set a deadline. The government would reopen the plea offer for one day only—November 14, the same day as the *Frye* hearing.

The plea offer was materially the same offer that the government had given Ayala-Garcia twice before. The plea offer called for a sentence under Federal Rule of Criminal Procedure 11(c)(1)(C) with a binding limit of no more than 300 months in prison. See *United States v. Cole*, 569 F.3d 774, 775 (7th Cir. 2009). Ayala-Garcia, however, remained reluctant. During an "accept or reject" hearing before the magistrate judge, Ayala-Garcia repeatedly asked for more time to review the plea offer, complained that his first attorney had misled him, and argued that the proposed maximum sentence was unfair.

Later that day, Ayala-Garcia aired his concerns again before the district judge at a change of plea hearing. He complained, for example, about the pressure of the government's imposed deadline that required him either to take the plea that day or "that's it." After a long plea colloquy, Ayala-Garcia ultimately pleaded guilty, and the court accepted the Rule 11(c)(1)(C) agreement. In May 2025, the district court sentenced Ayala-Garcia to 294 months in prison, which was consistent with the plea agreement's binding maximum of 300 months.

On appeal, Ayala-Garcia argues that his plea was not knowing, voluntary, or intelligent. He rests on practically all the same objections that he has made throughout the course of his case—that he was not given enough time to consider the plea offer, that he felt compelled to accept the plea offer, and that the plea offer was unfair. He also argues for the first time that he did not have "adequate time" with a Spanish-language interpreter to review his plea offer. Ayala-Garcia raises his challenge only under the Fifth Amendment's Due Process Clause. He does not contend that his plea was made or accepted in violation of Federal Rule of Criminal Procedure 11(b), so we need not consider Rule 11 as part of this analysis. See *White v. United States*, 8 F.4th 547, 552 (7th Cir. 2021) ("A party that omits from its opening appellate brief any argument in support of its position waives or abandons that party's claim on appeal.").

"A plea is voluntary when it is not induced by threats or misrepresentations, and the defendant is made aware of the direct consequences of the plea. A plea is knowing and intelligent when the defendant is competent, aware of the charges and advised by competent counsel." *Galbraith v. United States*, 313 F.3d 1001, 1006 (7th Cir. 2002) (internal citation omitted). Because Ayala-Garcia never moved to withdraw his plea in the district court, we review his appellate request to do so only for plain error. *United States v. Williams*, 946 F.3d 968, 971 (7th Cir. 2020). Ayala-Garcia therefore must show "(1) an error, (2) that is plain, (3) that affects substantial rights, and (4) that 'had a serious effect on the fairness, integrity, or public reputation of judicial proceedings.'" *United States v. Haas*, 37 F.4th 1256, 1264 (7th Cir. 2022) (internal quotation marks omitted), quoting *Greer v. United States*, 593 U.S. 503, 508 (2021).

There was no plain error here. Two observations loom large in our analysis. First, over several months, Ayala-Garcia twice received a substantially similar plea offer. Both times, he either rejected the offer or allowed it to expire. Against this backdrop, the government offered Ayala-Garcia one last shot on November 14 to accept the plea offer, albeit with a one-day deadline. Second, Ayala-Garcia had received the benefit of advice

from his two attorneys and had reviewed the plea offer with them plenty of times. In other words, Ayala-Garcia had ample time and advice to make his admittedly difficult decision. He had not once expressed a wish to proceed to trial. On this record, the district court did not commit plain error by finding that Ayala-Garcia's plea was knowing, voluntary, and intelligent.

Ayala-Garcia has long insisted that the decision to plead guilty to a sentence of up to 25 years cannot be made lightly. No doubt. Deciding between pleading guilty or proceeding to trial can be a difficult choice, but it's a choice that the vast majority of criminal defendants face across the country. See *Chaffin v. Stynchcombe*, 412 U.S. 17, 32 (1973). Ayala-Garcia's predicament—the one-day deadline—was a result of his own delays and indecisiveness. We have never held that such time pressures require invalidating a plea. E.g., *United States v. Lundy*, 484 F.3d 480, 484 (7th Cir. 2007) (affirming denial to withdraw plea because timing of plea "is irrelevant so long as [the defendant] understood it and voluntarily entered into it"); accord, *Wozny v. Grams*, 539 F.3d 605, 610 (7th Cir. 2008) (similar, affirming denial of habeas petition); *United States v. Weathington*, 507 F.3d 1068, 1073 (7th Cir. 2007) (similar, affirming denial of plea withdrawal).

As noted, Ayala-Garcia asserts for the first time on appeal that he needed "adequate time with an interpreter to review" his plea agreement and Second Superseding Indictment. Though his second counsel in the district court spoke Spanish and translated the relevant documents to him, Ayala-Garcia argues on appeal that the record needed to indicate affirmatively "counsel's level of fluency" and that counsel "was qualified to translate the legal language contained in the plea agreement." Ayala-Garcia repeatedly testified, however, that he understood the plea agreement and relevant indictment. When the district judge asked Ayala-Garcia if there was any problem with interpretation, he answered that he understood the translation of the agreement. In fact, the district court commented, from the court's observations, that Ayala-Garcia and his counsel had been able to communicate in Spanish throughout the legal proceedings "without any problems." See *United States v. Johnson*, 248 F.3d 655, 661 (7th Cir. 2001) (the district court is "best positioned" to evaluate "whether the fact that the defendant speaks only or primarily a language other than English inhibits his … ability to comprehend the proceedings and communicate with counsel"). Given this record, we see no reason to think that his plea was any less knowing, voluntary, or intelligent without more affirmative indications of his counsel's language skills. There was certainly no plain error in this respect.

Finally, Ayala-Garcia has insisted throughout the case that he thought the process was unfair, but he has not been specific. In his appellate briefs, Ayala-Garcia suggests that he did not fully understand what he was admitting under the plea agreement. He also cites his statement during sentencing that the government had "pressed" him "for two hours" to plead guilty. Ayala-Garcia's lengthy plea colloquy refutes his first argument. He told the judge under oath that the agreement was clear to him. See *Weathington*, 507 F.3d at 1073 ("A defendant who simply asserts that his plea was not voluntary, in contradiction of his testimony at the plea hearing … faces a 'heavy burden of persuasion.'"), quoting *United States v. Ellison*, 835 F.2d 687, 693 (7th Cir. 1987). As for his second argument, his brief elaborates no further about the "two hour" meeting. We need not address such a vague and undeveloped argument. *United States v. Martinez*, 169 F.3d 1049, 1053 (7th Cir. 1999).

We AFFIRM the judgment of the district court. The district judge and the magistrate judge showed great patience and took care to ensure that Ayala-Garcia understood the proceedings, his rights, and the terms of the plea agreement.