

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-10549
Non-Argument Calendar

D.C. Docket No. 8:05-cr-00480-JDW-TBM-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAYMUNDO ANDERSON-RUIZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(April 1, 2013)

Before MARTIN, JORDAN, and FAY, Circuit Judges.

PER CURIAM:

Raymundo Anderson-Ruiz, who was convicted of violating 8 U.S.C. § 1326(a), appeals from the district court's denial of his motion to dismiss the

indictment on speedy trial grounds. For the reasons which follow, we affirm.

The sole argument made by Mr. Anderson-Ruiz is that the district court erred in not sua sponte holding an evidentiary hearing on his speedy trial claim. We find no abuse of discretion, much less plain error. The district court, in denying Mr. Anderson-Ruiz's motion, assumed that his factual allegations were true. *See* Docket Entry 13 at 2-3. Because Mr. Anderson-Ruiz does not challenge the district court's decision on the merits, an evidentiary hearing would not have helped Mr. Anderson-Ruiz in any material way. As we have said before, a district court need not hold an evidentiary hearing where the movant's allegations, even if true, do not warrant the relief requested. *See, e.g., Chavez v. Sec'y Fla. Dep't of Corr.*, 647 F.3d 1057, 1072-73 (11th Cir. 2011); *United States v. Massey*, 89 F.3d 1433, 1443 (11th Cir. 1996).

AFFIRMED.