

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 98-30495

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

MICHAEL SHORT, also known as Nate,

Defendant-Appellant.

Appeal from the United States District Court
For the Eastern District of Louisiana

August 11, 1999

ON PETITION FOR PANEL REHEARING

(Opinion July 15, 1999, 5th Cir., 1999, _____F.3d_____)

Before POLITZ, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:

Defendant-Appellant Michael Short asks for panel rehearing because our prior opinion did not specifically discuss his twelfth point of error.

Short's twelfth point of error is that his indictment was insufficient as to Counts 1 and 2 because it failed to specify when the drug conspiracy and continuing criminal enterprise began. But Short raised this issue for the first time on appeal and does not assert specific prejudice or a miscarriage of justice resulting from the alleged defect in the indictment. Therefore, under a plain error standard of review, Short's argument must fail.

Short's Petition for Panel Rehearing is therefore DENIED.