

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-51280

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GILBERT RAMOS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(DR-00-CR-511-1-WWJ)

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September 17, 2002

Before REAVLEY, BARKSDALE, and CLEMENT, Circuit Judges.

PER CURIAM:\*

We hold: (1) the district court did not abuse its discretion by disqualifying Ramos' attorney who had also represented Ramos and Rodriguez in a civil proceeding, with Rodriguez later testifying against Ramos in this case; (2) the district court did not err by not dismissing the indictment brought under 18 U.S.C. § 666 when the wages Ramos "received" were not *bona fide*; and (3) the district court did not abuse its discretion by not giving a requested

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\*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

instruction regarding the *bona fide* wage exception found in 18 U.S.C. § 666(c), in that, *inter alia*, the refused instruction was substantially covered by those given. Accordingly, the judgment is

***AFFIRMED.***