

FILED

December 4, 2003

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 03-40192
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOE ZAVALA,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
(4:02-CR-73-7)

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Joe Zavala contends that the evidence was insufficient to support his conviction for conspiracy to distribute 100 kilograms or more of marijuana. Zavala moved for acquittal at the close of the Government's case but not at the close of all of the evidence. Therefore, his claim is reviewed only to determine whether there was a manifest miscarriage of justice warranting a reversal. *United States v. McCarty*, 36 F.3d 1349, 1358 (5th Cir. 1994); see also *United States v. Dean*, 59 F.3d 1479, 1489 (5th Cir. 1995),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

cert. denied, 516 U.S. 1064 (1996); ***United States v. Lopez***, 979 F.2d 1024, 1029 (5th Cir. 1992). Zavala does not satisfy this narrow standard.

AFFIRMED