

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10361

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JANET MITCHELL ELI,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(3:93 CR 153 D 3)

(June 16, 1995)

Before HIGGINBOTHAM and PARKER, Circuit Judges, and McBRYDE*,
District Judge.

PER CURIAM:**

Janet Mitchell Eli's counsel has ably urged the upset of her conviction. We have considered each of these contentions and are ultimately persuaded that they lack merit. We are not persuaded that the perjury by a governmental witness warrants reversal. The government did not make use of its falsity and conceded it to be

*District Judge of the Northern District of Texas, sitting by designation.

**Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

false. We decline to consider the constitutionality of the prohibition against contact with members of the jury. We are persuaded that on the facts of this case, the district court did not abuse its discretion by its order regarding juror contact. Nor are we persuaded that the district court erred in not conducting a hearing on Eli's second motion for new trial. The district court was familiar with the players and had a sufficient basis for the judgment it made.

AFFIRMED.