

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 95-50610
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUMALDO GUTIERREZ-MUNOZ,

Defendant-Appellant.

Appeal from United States District Court
for the Western District of Texas
(EP-95-CR-123)

March 28, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Rumaldo Gutierrez-Munoz appeals his conviction for possession with intent to distribute marihuana and importation of marihuana. The district court did not err in refusing to include certain “balancing” language requested by Gutierrez-Munoz in the deliberate ignorance instruction given to the jury because, while this court has suggested that such balancing language be added to the Pattern

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Jury Instructions, *see United States v. Farfan-Carreon*, 935 F.2d 678, 681 n.5 (5th Cir. 1991), it is not required because the charge as given was substantially correct and did not seriously impair the defendant's ability to present his defense of lack of knowledge. *See United States v. Pennington*, 20 F.3d 593, 600 (5th Cir. 1994). Moreover, there was sufficient evidence from which the jury could infer Gutierrez's guilty knowledge. *See United States v. Chen*, 913 F.2d 183, 188 n.6 (5th Cir. 1990); *United States v. Montoya*, No. 92-8365, 12 (5th Cir. Jan. 28, 1993)(unpublished).