

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50847
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERARDO LOPEZ-LUEBANO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-95-CR-229-ALL
- - - - -

May 29, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

Gerardo Lopez-Luebano appeals his jury convictions for possession with intent to distribute marijuana and the importation of marijuana. He contends that the evidence was insufficient to prove that he knew that there was marijuana hidden in the tires of the truck that he was driving. We have reviewed the record and the briefs of the parties and hold that the evidence was sufficient for a reasonable jury to find Lopez-Luebano guilty beyond a reasonable doubt. United States v. Diaz-

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Carreon, 915 F.2d 951, 953 (5th Cir. 1990) (possession with intent to distribute narcotics); United States v. Ojebode, 957 F.2d 1218, 1223 (5th Cir. 1992), cert. denied, 113 S. Ct. 1291 (1993) (importation of narcotics).

Lopez-Luevano also contends that the district court abused its discretion when it refused to instruct the jury that his nervousness alone was insufficient to support a finding of guilty knowledge. The requested instruction did not concern an important point in the trial such that its omission seriously impaired the appellant's ability to present a given defense effectively. United States v. Chaney, 964 F.2d 437, 444 (5th Cir. 1992).

AFFIRMED.