

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30978
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES RAY BURTON,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Louisiana
(95-CR-60048)

September 19, 1997

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Charles Ray Burton appeals from his conviction for possession with intent to distribute cocaine, complaining of insufficiency of the evidence, the district court's denial of his motion to suppress, and the sufficiency of the jury instructions. Our review

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of the record and the arguments and authorities convinces us that no reversible error was committed. The evidence was not insufficient. See *United States v. Ivey*, 929 F.2d 759, 766 (5th Cir. 1991). The district court did not err by denying Burton's motion to suppress based on Burton's claim that the automobile stop was improper. See *Wren v. United States*, 116 S. Ct. 1769, 1772 (1996). Nor did the district court commit plain error in failing to find that his consent to search was involuntary. See *Robertson v. Plano City of Texas*, 70 F.3d 21, 23 (5th Cir. 1995) (plain error standard). Finally, the district court did not commit plain error in failing to instruct the jury that it had dismissed one count of the indictment. See *United States v. Calverly*, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc) (citing *United States v. Olano*, 507 U.S. 725, 731-37 (1993)).

AFFIRMED.