

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40228
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VERNON EARL COLEMAN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-95-CR-213-1
- - - - -

December 13, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Vernon Earl Coleman appeals his convictions for conspiracy to possess and possession with intent to distribute marijuana in violation of 21 U.S.C. § 841(b)(1)(B) and 846. He argues that his confession must be suppressed because the law enforcement officers failed to "scrupulously honor" his invocation of his Fifth Amendment right to silence and thus was inadmissible according to Michigan v. Mosley, 423 U.S. 96 (1975). Coleman did

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

not raise this issue in the district court. His challenge to his confession in the district court was limited to the contention that his confession was coerced by threats. This issue must be reviewed for plain error. United States v. Alvarado-Saldivar, 62 F.3d 697, 699 (5th Cir. 1995), cert. denied, 116 S. Ct. 742 (1996). According to Coleman's own testimony, it is not clear that Coleman ever invoked his right to remain silent. The district court did not plainly err in failing to suppress Coleman's statements.

AFFIRMED.