

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10469
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MOSES RAMIREZ,

Defendant-Appellant.

Appeal from the United States District Court
For the Northern District of Texas
(3:96-CR-388-H)

June 30, 1998

Before POLITZ, Chief Judge, WIENER and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Moses Ramirez, convicted in a jury trial of possession with intent to distribute heroin,¹ timely appeals. His sole contention on appeal is that the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ 21 U.S.C. §§ 841(a)(1), 846.

prosecution committed a **Batson**² violation by striking from the jury panel the only two black members. Our review of the record and briefs persuades that the district court did not err in its rejection of Ramirez's objection to the government's use of peremptory challenges on these two members of the jury venire.³

The conviction and sentence are AFFIRMED.

² **Batson v. Kentucky**, 476 U.S. 79 (1986).

³ See **Palmer v. Lares**, 42 F.3d 975 (5th Cir. 1995); **United States v. Pofahl**, 990 F.2d 1456 (5th Cir. 1993); **United States v. Moreno**, 878 F.2d 817 (5th Cir. 1989).