

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60372  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GORDON LAMBERT,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:96cr-102BS  
- - - - -

October 13, 1998

Before WISDOM, DUHE', and DeMOSS, Circuit Judges.

PER CURIAM:\*

Gordon Lambert appeals his conviction for violating another person's civil rights through the use of excessive force, a violation of 18 U.S.C. § 242. He argues that the evidence was insufficient to support the jury's verdict, that the district court's jury instruction was erroneous, and that the court erred in denying him a downward departure under the sentencing guidelines.

With regard to Lambert's first two assertions of error, we have reviewed the record and the briefs of the parties and find

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. Lambert, No. 3:96cr102BS (S.D. Miss., May 23, 1997). This court lacks jurisdiction to review Lambert's argument that the district court erred in denying him a downward departure. See United States v. Brace, 145 F.2d 247, 263 (5th Cir. 1998).

AFFIRMED.