

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40132
Summary Calendar

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

VERSUS

ELIAS ELIZONDO,
Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CR-153-2

October 9, 1998

Before DAVIS, DUHÉ and PARKER, Circuit Judges.

PER CURIAM:*

Elias Elizondo appeals his convictions for conspiracy to possess with intent to distribute more than five kilograms of cocaine and aiding and abetting the possession with intent to distribute 110 kilograms of cocaine. He argues that the evidence is insufficient to support his conviction. Because Elizondo failed to renew his motion for a judgment of acquittal at the close of the Government's evidence, review is limited to whether his convictions resulted in a manifest miscarriage of justice. *See United States v. Inocencio*, 40 F.3d 716, 724 (5th Cir. 1994).

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Even if Elizondo had preserved the issue of sufficiency of the evidence by renewing his motion for judgment of acquittal at the close of the government's evidence, he would not prevail on the merits. Our review of the record reveals that the conviction is supported by sufficient evidence.

AFFIRMED.