

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40421
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARGIE PRUITT,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:98-CR-17-2

November 5, 1999

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Argie Pruitt appeals the district court's denial of his motion for acquittal in his trial for conspiracy to distribute marijuana and possession of marijuana with intent to distribute. The evidence presented in this case, and reasonable inferences drawn therefrom, showed that Pruitt was present in a known drug location at a time when he might not otherwise have been expected to be present, that he did not express surprise or confusion when Culps arrived at his house, that he took possession of a box

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

containing marijuana and acknowledged that he was aware of its contents, that he attempted to prevent detection by police by preventing entry into the premises, and that he was in possession of a small quantity of marijuana and drug distribution paraphernalia. Such evidence is sufficient to sustain the jury's verdict. See United States v. Espinoza-Seanez, 862 F.2d 526, 536 (5th Cir. 1988); United States v. Gonzalez, 121 F.3d 928, 936 (5th Cir. 1997).

The judgment of the district court is AFFIRMED.