

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40957  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDUARDO RAMIREZ-CARDENAS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-98-CR-1047-1  
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June 13, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:\*

Eduardo Ramirez-Cardenas appeals his jury conviction for illegal entry after deportation, 8 U.S.C. § 1326. Ramirez-Cardenas argues that the evidence was insufficient to show that he voluntarily entered the United States. The jury was free to accept or reject Ramirez-Cardenas' testimony that he was swept across the Rio Grande River involuntarily, and his testimony did not create a reasonable doubt rendering the Government's evidence insufficient as a matter of law. The jury chose not to believe Ramirez-Cardenas' contention that he involuntarily entered the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States as a result of a near drowning experience. All reasonable inferences and credibility choices are reviewed in favor of the verdict, and the jury's acceptance of the Government's version of what happened over Ramirez-Cardenas' version was reasonable. United States v. Cardenas-Alvarez, 987 F.2d 1129, 1131-32 (5th Cir. 1993).

AFFIRMED.