

April 13, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60305  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BEN LANE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 2:04-CR-11-1  
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Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

Ben Lane appeals his conviction following a jury trial for conspiracy to obstruct interstate commerce; aiding and abetting in the obstruction of interstate commerce; and possession of a firearm in relation to a crime of violence. First, he asserts that the district court erred in denying his motion for a judgment of acquittal. We reject this assertion, as Lane has failed to show that a reasonable jury could not have found him guilty beyond a reasonable doubt. See United States v. Sanchez, 961 F.2d 1169, 1173 (5th Cir. 1992). We find unpersuasive his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

arguments that (1) a firearm discovered by police did not link him to the crime and that (2) certain witnesses were not credible. See id.

Likewise, we reject Lane's assertion that the district court erred in enhancing his sentence based upon facts that were not determined by the jury. See United States v. Mares, 402 F.3d 511, 519 (5th Cir.), cert. denied, 126 S. Ct. 43 (2005).

Accordingly, the judgment of the district court is AFFIRMED.