

December 12, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-11344
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL SILLEMON,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:02-CR-92-1-H

Before REAVLEY, JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Michael Sillemmon appeals his conviction by a jury of armed bank robbery and aiding and abetting, using and carrying a firearm during a violent crime, and conspiracy to commit those and other related crimes. He argues that the district court abused its discretion in denying his motion for a continuance.

"This court will reverse a district court's decision denying a defendant's motion for continuance only when the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

has abused its discretion and the defendant can establish that he suffered serious prejudice." United States v. Scott, 48 F.3d 1389, 1393 (5th Cir. 1995) (internal quotation marks and citation omitted). Our review of the record and briefs of the parties satisfies us that the district court's decision was neither arbitrary nor unreasonable because Sillemmon changed retained counsel shortly before trial, and he has failed to show that he suffered serious prejudice as a result of the denial. See United States v. Hughey, 147 F.3d 423, 431 (5th Cir. 1998); United States v. Pollani, 146 F.3d 269, 272 (5th Cir. 1998).

AFFIRMED.