

August 15, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40662
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LLOYD BENJAMIN JOHNSON, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-1067-1

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Lloyd Benjamin Johnson, Jr., appeals his jury conviction for three counts of transporting illegal aliens within the United States, in violation of 8 U.S.C. § 1324. Johnson argues that the district court committed reversible error by questioning him and other witnesses in a manner which deprived him of a fair trial. Although Johnson cites in his statement of facts several instances of the judge's questioning of various witnesses, he argues that the most egregious interventions occurred during the questioning

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of Javier Perez-Rangel, who was one of the illegal aliens in Johnson's trailer, and of Johnson himself.

Johnson concedes that, because he did not object to the court's questions, review of the issue is limited to plain error. See United States v. Saenz, 134 F.3d 697, 701 (5th Cir. 1998); United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc). We have reviewed the trial court's actions in light of the entire record, including the court's curative instructions, and have determined that Johnson has not demonstrated plain error. See Calverley, 37 F.3d at 162-64. Accordingly, the district court's judgment is AFFIRMED.