

August 6, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-50888  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JULIAN JAVIER RODRIGUEZ-GARDEA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-00-CR-1200-1-H  
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Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Julian Javier Rodriguez-Gardea ("Rodriguez") appeals his conviction for conspiracy to possess with intent to distribute and possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846. He argues that the district court erred by not granting his motion for judgment of acquittal because the evidence was insufficient to prove venue in the Western District of Texas.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rodriguez failed to timely raise a venue objection. See United States v. Carreon-Palacio, 267 F.3d 381, 392-93 (5th Cir. 2001). Thus, he did not preserve the issue for appellate review.

This appeal lacks merit and borders on frivolity. Accordingly, Rodriguez's attorney is cautioned against bringing such appeals in the future. We remind him of his obligations to refrain from raising frivolous issues on appeal and to avail himself of the procedures outlined in Anders v. California, 386 U.S. 738 (1967) for disposing of cases that present no nonfrivolous issues. See United States v. Humphrey, 7 F.3d 1186, 1191 (5th Cir. 1993). We also admonish him that all counsel are subject to sanctions for bringing frivolous appeals. See United States v. Burleson, 22 F.3d 93, 95 (5th Cir. 1994). Because Rodriguez failed to preserve the sole issue raised on appeal, the district court's judgment is AFFIRMED.