

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60460
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

THOMAS DOWNS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:95-CR-11WS

February 21, 1996

Before KING, SMITH and BENAVIDES, Circuit Judges.

PER CURIAM:*

Thomas Downs appeals his conviction and sentence for mailing a threatening communication, in violation of 18 U.S.C. § 876. The district court did not abuse its discretion in admitting two letters and envelopes. United States v. Jimenez Lopez, 873 F.2d 769, 771 (5th Cir. 1989). The evidence was not insufficient. United States v. Willis, 6 F.3d 257, 264 (5th Cir. 1993). The prosecutor's statement to the jurors about being free from fear did not require a mistrial, and the omission of a curative instruction is not plain error. United States v. Wallace, 32 F.3d 921, 926-27 (5th Cir. 1994); United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994), cert. denied, 115 S. Ct. 1266 (1995).

AFFIRMED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.