

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40566
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ABDULHADI OLIWI,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
(4:94-CR-39-1)

January 21, 1997
Before KING, HIGGINBOTHAM, and STEWART, Circuit Judges.

PER CURIAM:*

Abdulhadi Oliwi appeals his convictions for aiding and abetting the unlawful possession of food stamps and conspiracy to commit food stamp fraud. He argues that the trial court committed plain error by telling the jury that it would not be able to review trial testimony, that trial counsel was ineffective for failing to object to the court's statement that

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

testimony would not be read back to the jury, and that his conspiracy conviction should be reversed because two of the three overt acts alleged in the indictment took place before the inception of the conspiracy. We find no error, plain or otherwise, in the district court's instruction to the jury. See United States v. Krout, 66 F.3d 1420, 1433 (5th Cir. 1995). Thus, counsel was not ineffective for failing to object to the challenged instruction. Strickland v. Washington, 466 U.S. 668, 687 (1984). We have reviewed the record and the briefs of the parties and hold that Oliwi's conviction for conspiracy is not plainly erroneous or a manifest miscarriage of justice. See United States v. Pierre, 958 F.2d 1304, 1310-11 (5th Cir.) (en banc), cert. denied, 113 S. Ct. 280 (1992).

AFFIRMED.