

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20011

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

SAMUEL POSADA-RIOS, a.k.a. HERMAN VILLA, a.k.a. LIMONADA

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas

(H-92-CR-137-1)

March 9, 1999

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Appellant Samuel Posada-Rios was convicted following trial by jury of violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act, conspiracy to violate RICO and conspiracy to possess with intent to distribute cocaine. After being sentenced to three concurrent life sentences without parole he presents a single issue for consideration in this direct appeal of

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his conviction. Specifically, he presents the issue of whether the district court erred in failing to order the government to inquire into the existence of favorable evidence which is designated as classified. The issue raised by appellant asserts his constitutional entitlement to both protection from suppression of exculpatory evidence by the government and disclosure of evidence for use in the impeachment of government witnesses pursuant to *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), and its progeny.

We have carefully considered the briefs, the arguments of counsel and the record, and conclude that under the facts and circumstances of this case the district court did not abuse its discretion in denying appellant's *Brady* and Rule 16 Motions. See FED.R.CRIM.P. 16.

Appellants convictions are AFFIRMED.