

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40233
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SEFERINO LOPEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
(L-97-CR-149-4)

- - - - -
October 30, 2000

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

We remanded this case to the district court to determine whether the Jencks Act error was harmless in accordance with the procedures outlined in United States v. Rivero, 532 F.2d 450, 459-61 (5th Cir. 1976), and applied in United States v. Keller, 14 F.3d 1051 (5th Cir. 1994). On remand, the district court determined that the error was harmless as there was no reasonable possibility that the absence of the grand jury testimony of Sergeant Antonio Sanchez affected the outcome of the case or handicapped Lopez or his counsel in their presentation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have carefully reviewed Sanchez's grand jury testimony and his trial testimony and find no substantial inconsistency or deviation. See, e.g., United States v. Keller, 14 F.3d 1051, 1054-55 (5th Cir. 1994). Accordingly, the judgment of the district court is
AFFIRMED.