

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50596
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CESAR PORRAS-AVILA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-98-CR-85-ALL-H
- - - - -

January 13 ,1999

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Cesar Porrás-Avila (Porrás) appeals his conviction for importing marijuana. Porrás argues that the district court abused its discretion by refusing to give his requested jury instruction, which defined the term "knowing possession." Inasmuch as the district court admonished the jury on constructive possession, and the word "knowingly" is used in its common meaning in the importation statute and, therefore, does not require further instructions, it was not an abuse of discretion to refuse to include a definition of knowing possession in the jury

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

instructions. See United States v. Pennington, 20 F.3d 593, 598 (5th Cir. 1994); see also United States v. Ojebode, 957 F.2d 1218, 1223 (5th Cir. 1992).

The judgment of the district court is AFFIRMED.