

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-51037
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE MENCHACA, also known
as Joe Menchaca, also
known as Joe L. Menchaca, also
known as Jose Luis Menchaca,

Defendant-Appellant.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-98-CR-96-ALL
- - - - -

July 6, 1999

Before EMILIO M. GARZA, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:*

José Menchaca appeals his jury conviction for possession of a firearm by a felon and possession of a firearm with obliterated serial numbers. He contends that his statement made to the police should have been suppressed at trial because he was not advised of his Miranda¹ rights. No motion to suppress was filed in the district court and thus any argument with respect thereto

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ Miranda v. Arizona, 384 U.S. 436, 444 (1966).

is waived. See United States v. Chavez-Valencia, 116 F.3d 127, 130 (5th Cir.), cert. denied, 118 S. Ct. 325 (1997); FED. R. CRIM. P. 12(b)(3). The judgment of the district court is AFFIRMED.