

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40471
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JUAN ANTONIO LOPEZ

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-99-CR-457-1

March 16, 2001

Before KING, Chief Judge, and JONES and STEWART, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Juan Antonio Lopez appeals his jury conviction for importation of Freon. 18 U.S.C. § 545. Lopez argues that the district court erred in giving the jury a "deliberate ignorance" instruction. Having reviewed the record, we find that there was insufficient evidence to support the deliberate ignorance instruction. See United States v. Gray, 105 F.3d 956, 967 (5th Cir. 1997). However, the district court's error in giving the deliberate ignorance instruction was harmless because the record contained substantial evidence of actual

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

knowledge. United States v. Threadgill, 172 F.3d 357, 369 (5th Cir.), cert. denied, 528 U.S. 871 (1999).

Lopez also argues that the district court abused its discretion in refusing to give his requested jury instruction on the mens rea required for violation of 18 U.S.C. § 545. Title 18 U.S.C. § 545 does not require that a defendant have knowledge of the provisions of the specific law being violated. Because Lopez' requested instruction would have required the Government to prove such knowledge, it was not a correct statement of the law and the district court did not commit reversible error in refusing to so instruct the jury. See Babb v. United States, 252 F.2d 702, 708 (5th Cir. 1958).

AFFIRMED.