

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41056
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LAURO GARCIA, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-97-CR-208-1

May 4, 2001

Before JOLLY, JONES and BENAVIDES, Circuit Judges.

PER CURIAM:*

Lauro Garcia, Jr., appeals from the district court's denial of his motion pursuant to Fed. R. Crim. P. 12(b)(2) challenging the sufficiency of his indictment for conspiracy to possess cocaine in violation of 21 U.S.C. §§ 846 and 841. Garcia argues that the indictment failed to charge an offense because, following his guilty plea, the presentence investigation report did not show that he entered into an agreement with a non-government agent. After a de novo review, we conclude that the indictment, which tracks the appropriate language of the

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

statute, was sufficient to state the elements of a conspiracy offense under 21 U.S.C. § 846 and to inform Garcia of the particular offense charged. See United States v. Nevers, 7 F.3d 59, 63 (5th Cir. 1993); United States v. Arlen, 947 F.2d 139, 145 (5th Cir. 1991).

A F F I R M E D .