

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50121
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GREGORIO CASILLAS, JR.,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
USDC No. EP-99-CR-1188-ALL-DB

October 17, 2000

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Gregorio Casillas, Jr. argues that the district court abused its discretion in denying his motions to continue his suppression hearing and his trial date. Casillas argues that if he had been given the opportunity to take a second polygraph examination, it is likely that it would have produced evidence favorable to the defense.

"This court will reverse a district court's decision denying a defendant's motion for continuance only when the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

has abused its discretion and the defendant can establish that he suffered serious prejudice." United States v. Scott, 48 F.3d 1389, 1393 (5th Cir. 1995). The district court permitted Casillas to take a polygraph test prior to trial, and the test did not produce a conclusive result that Casillas was truthful in his assertion that he had not given consent to a search of his apartment. Because the test did not result in conclusive evidence, Casillas has not shown that he suffered serious prejudice as a result of the district court's refusal to continue the suppression hearing and his trial to allow him another opportunity to attempt to obtain favorable polygraph results. The district court did not abuse its discretion in denying Casillas's motions for a continuance.

A F F I R M E D.