

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40357
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN JESUS BARRON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-00-CR-425-3
- - - - -

October 17, 2001

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Juan Jesus Barron appeals from his jury-verdict conviction and sentence for conspiracy to possess with intent to distribute marijuana and possession with intent to distribute marijuana. He argues that: (1) the district court erred by denying his request for a jury instruction regarding entrapment; (2) the district court abused its discretion by denying his motion for a mistrial; and (3) the district court erred by declining to decrease his offense level for acceptance of responsibility.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The record indicates that Barron failed to make the requisite showing to warrant a jury instruction for entrapment. See United States v. Bradfield, 113 F.3d 515, 521 (5th Cir. 1997). The district court did not abuse its discretion by denying Barron's motion for a mistrial because any error based on the admission of stale convictions was rendered harmless by the curative jury instruction and the overwhelming evidence of Barron's guilt. See United States v. Sotelo, 97 F.3d 782, 797-98 (5th Cir. 1996). Furthermore, the record shows that Barron was not entitled to an adjustment for acceptance of responsibility. See United States v. Brace, 145 F.3d 247, 264-65 (5th Cir. 1998).

Accordingly, the district court's judgment is AFFIRMED.