

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 3, 2012

Lyle W. Cayce
Clerk

No. 11-50356
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERIK CHAVEZ-TREVINO,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:09-CR-1488-1

Before JONES, Chief Judge, and PRADO and ELROD, Circuit Judges.

PER CURIAM:*

Erik Chavez-Trevino appeals from his jury-verdict conviction for importing into the United States five kilograms or more of a substance containing cocaine. He argues that the district court erred by refusing to grant his motion for a mistrial after a Government witness made a prejudicial remark during cross-examination. We review the district court's denial of a motion for mistrial for an abuse of discretion. *United States v. Paul*, 142 F.3d 836, 844 (5th Cir. 1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Examination of the entire record shows that there is no significant possibility that the prejudicial evidence had a substantial impact upon the jury verdict. *See id.* Moreover, we accord considerable weight to the district court's assessment that the striking of the remark and the curative instructions provided to the jury were sufficient to negate the prejudicial effect of the remark. *See United States v. Nguyen*, 28 F.3d 477, 483 (5th Cir. 1994). The district court did not abuse its discretion by denying Chavez-Trevino's motion for a mistrial on this basis.

The judgment of the district court is AFFIRMED.