

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4495
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL WEST,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. CR-91-50077-01
- - - - -

August 17, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Michael West appeals from his convictions for drug trafficking offenses, alleging that the evidence was insufficient to support the convictions. West makes no cogent appellate argument indicating any element of the offenses that has not been proved. Moreover, he does not cite to the record to indicate support for the arguments he does make. Cf. Moore v. FDIC, 993 F.2d 106, 107 (5th Cir. 1993) (dismissal was justified because appellate brief specified no place in the record and identified

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

no proof to support statements). His arguments amount to no more than a challenge to the weight of the evidence and the credibility determinations of the trier of fact.

This Court is "concerned only with the sufficiency, not the weight, of the evidence. Assessing the credibility of the witnesses and weighing the evidence is the exclusive province of the jury." United States v. Greenwood, 974 F.2d 1449, 1458 (5th Cir. 1992), cert. denied, 1993 WL 38583, 61 U.S.L.W. 3772 (U.S. May 17, 1993) (No. 92-7513) (citation omitted). The appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.