

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1568
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BARTHOLOMEW IKECHUKWU EGWUH,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas

(3:93 CR 23 D)

(October 13, 1993)

Before POLITZ, Chief Judge, HIGGINBOTHAM and DeMOSS, Circuit Judges.

PER CURIAM:*

Bartholomew Ikechukwu Egwuh appeals his conviction on two counts of making false statements under oath to a government agency, 18 U.S.C. §§ 1546(a), 1001. We affirm.

*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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The jury found Egwuh, a Nigerian conditional permanent resident of the United States, guilty of giving false address and employment information in an Application for Naturalization (Count 1) and in a Petition to Remove the Conditional Basis of Alien's Permanent Residence Status (Count 2). Egwuh maintains that the indictment is void because each count alleges two separate offenses. He misperceives the indictment. Even if his objection had merit it would have been waived by a failure of timely objection.¹

Egwuh also claims error based on the trial court's failure to give a specific unanimity instruction about each count. Egwuh did not object and there is no plain error, our standard of review, where, as here, the district court issued a general unanimity instruction, instructing the jury substantially as requested by the defendant.²

Finding no reversible error, we AFFIRM.

¹ See United States v. Baytank (Houston), Inc., 934 F.2d 599 (5th Cir. 1991).

² See United States v. Barakett, 994 F.2d 1107 (5th Cir. 1993).