

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7600

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO SANTANA, SANTIAGO PERALTA,
GEORGE MARTINEZ, AND ALFONSO BARRIENTOS,

Defendants-Appellants.

Appeal from the United States District Court
for the Southern District of Texas
(CR 192 209 3, 6 12 & 14)

(June 20, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

The evidence that Barrientos handled marijuana bundles and acted as a lookout was sufficient to sustain his convictions. The district court did not err in computing drug quantities and sentencing Peralta and Martinez. While the court below did err in computing Santana's drug quantity, Santana did not object. Even assuming that a factual error can be plain error, we decline to

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

review this error because it does not "seriously affect the fairness, integrity, or public reputation of judicial proceedings." United States v. Olano, 113 S.Ct. 1770, 1779 (1993) (internal quotation marks omitted). Finally, Count Eleven of the indictment gave Peralta sufficient notice of the charges against him, and his double jeopardy argument is premature because he has not previously been tried or punished for the same offense. AFFIRMED.