

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20555
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FAUSTINO GARCIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR H 87-321-4
- - - - -

April 15, 1996

Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:¹

Faustino Garcia appeals his conviction and sentence for conspiracy to possess with intent to distribute marijuana and more than 500 grams of cocaine, and possession of cocaine with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 846. He argues that the evidence at trial was insufficient to prove that he was involved in a conspiracy to possess more than 500 grams of cocaine and that inadmissible hearsay statements were improperly admitted at trial. We have reviewed the arguments and the record and find no reversible error as to Garcia's challenge to the sufficiency of the evidence. See United States v. Lopez, 74 F.3d

¹Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

575, 577 (5th Cir. 1996). Garcia raised no contemporaneous objection to the hearsay declarations at trial and he cannot show "plain error" as to this contention. See United States v. Calverly, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc), cert. denied, 115 S. Ct. 1266 (1995); see also Fed. R. Evid. 801(d)(2)(E).

AFFIRMED.