

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20593  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GUMARO MARTINEZ-MARTINEZ,

Defendant-Appellant.

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Appeal from the United States District Court for the  
Southern District of Texas  
(CR-H-94-25-1)

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(April 25, 1995)

Before KING, JOLLY, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Our review of the record and briefs in this case leads us to the conclusion that the district court committed no reversible error. Although it is certainly arguable, given the defendant's penurious circumstance and lack of prospects for earning income in the foreseeable future, that a \$4,000 fine is unrealistically high, the defendant's long and continuing record as a law violator

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

supports the district court's imposition of this sanction in addition to incarceration its judgment is accordingly

A F F I R M E D.