

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-40407  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRY SANDERS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 93-CR-190-1

- - - - -  
(January 24, 1995)

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

PER CURIAM:\*

Although the prosecutor arguably made an improper comment during closing argument, the jury was given an immediate curative instruction and told to disregard the remark. The jury is presumed to have followed this instruction. Zafiro v. United States, \_\_\_ U.S. \_\_\_, 113 S. Ct. 933, 939, 122 L. Ed. 2d 317 (1993).

In light of the strength of the evidence against Sanders, the trial court's cautionary instructions to the jury, and the

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

prosecutor's immediate acknowledgement to the jury that Sanders had no burden of proof, no reversible error occurred as a result of the prosecutor's remark. United States v. Neal, 27 F.3d 1035, 1051 (5th Cir.), cert. denied, 115 S. Ct. 530 (1994). Therefore, the district court did not abuse its discretion by denying Terry Sanders' motion for a mistrial. See United States v. Limones, 8 F.3d 1004, 1007 (5th Cir. 1993), cert. denied, 114 S. Ct. 1543, 1562 (1994).

AFFIRMED.