

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10413
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUY GARZA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CR-191-A
- - - - -

April 1, 1996

Before WIENER, PARKER and DENNIS, Circuit Judges.

PER CURIAM:*

Ruy Garza appeals from his jury trial conviction and sentence for possession of cocaine with the intent to distribute and conspiracy to commit the same. The evidence was not insufficient. See United States v. Vasquez, 953 F.2d 176, 181 (5th Cir.), cert. denied, 504 U.S. 946 (1992). The district court did not err by refusing to allow Garza's counsel to ask the venire panel questions regarding their beliefs in certain

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

propositions of law. United States v. Rodriguez, 993 F.2d 1170, 1176 (5th Cir. 1993), cert. denied, 114 S.Ct. 1547 (1994). The district court did not err in denying Garza a mitigating-role adjustment under U.S.S.G. § 3B1.2. See United States v. Zuniga, 18 F.3d 1254, 1261 (5th Cir.), cert. denied, 115 S. Ct. 214 (1994).

However, the district court exceeded its statutory power under 18 U.S.C. § 3583(d) in ordering Garza deported as a condition of supervised release. See United States v. Quaye, 57 F.3d 447, 450-51 (5th Cir. 1995). Therefore, we ORDER that the judgment below be amended as follows:

As a condition of supervised release, upon completion of his term of imprisonment Garza is to be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. §§ 1101 et seq. As a further condition of supervised release, if ordered deported, Garza shall remain outside the United States.

AFFIRMED AS MODIFIED.