

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20596
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARINO RAMIREZ, also known as
Servio Marino Victoria, and
JOSE R. ARGUELLAS, also known
as Jose R. Arguelles, also
known as Brazil, also known as
Raul Lnu,

Defendants-Appellants.

Appeal from the United States District Court for the
Southern District of Texas
USDC No. CR-H-95-112-3

July 30, 1997

Before KING, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Marino Ramirez and Jose R. Arguellas appeal their convictions for conspiracy to distribute in excess of five kilograms of cocaine. The defendants challenge the district court's admission of the results of ion scan evidence under Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993). The district court did not commit plain error in admitting the evidence under the

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

reliability prong of the Daubert analysis, nor did it abuse its discretion in admitting the evidence under the relevance prong. Id. at 591-95. The district court did not err in finding that the probative value of the evidence was not outweighed by any prejudicial effect. Id. at 595. Finally, Ramirez challenges the sufficiency of the evidence against him. The evidence was sufficient to sustain Ramirez' conviction when viewed in the light most favorable to the jury's verdict. See United States v. Resio-Trejo, 45 F.3d 907, 910 (5th Cir. 1995). The judgment of conviction of each of the defendants is therefore

A F F I R M E D.