

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40885  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff,

versus

MARIO ALBERTO PEDRAZA,

Defendant,

ED D. RAZO; BANKERS INSURANCE  
COMPANY,

Appellant.

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Appeal from the United States District Court for the  
Southern District of Texas  
USDC No. L-96-CR-29-4

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January 13, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Ed D. Razo and Bankers Insurance Company, surety for criminal defendant Mario Alberto Pedraza, appeal the district court's order denying their motion for new trial and for reconsideration of the court's order granting a judgment of default on bond. The surety

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

alleges that it did not receive notice of the hearing of the judgment of default as required by Rule 46(e)(3).

The surety was not entitled to notice of any proceedings other than the judgment of default on bond. United States v. Garcia, 724 F.2d 514, 516 (5th Cir. 1984). The surety admitted receiving a copy of the motion for judgment of default on bond. The district court considered the arguments the surety would have presented at the hearing when ruling on the surety's postjudgment motion, and the court informed the surety that, if the surety secured Pedraza's immediate appearance, it would consider remission of bond. The surety has cited no substantive defense it had to the judgment of default.

DISMISSED AS FRIVOLOUS. See 5th Cir. R. 42.2.

D I S M I S S E D.