

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60560
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNETH EDWARD GRIZZLE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:95-CR-37GR
- - - - -

October 3, 1997

Before JONES, SMITH and STEWART, Circuit Judges.

PER CURIAM:*

Kenneth Edward Grizzle appeals his conviction and sentence for making false statements to obtain benefits under the Longshore and Harbor Workers' Compensation Act, in violation of 33 U.S.C. § 931. Grizzle challenges the sufficiency of the evidence, the sufficiency of the indictment, the district court's determination of the applicable loss, and the court's imposition of restitution. Our review of the record and the arguments and authorities convinces us that no reversible error was committed.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The evidence was not insufficient. See United States v. Ivey, 949 F.2d 759, 766 (5th Cir. 1991). The indictment sufficiently informed Grizzle of the charges against him and of the elements of the charged crime. See United States v. Fitzgerald, 89 F.3d 218, 221 (5th Cir.), cert. denied, 117 S. Ct. 446 (1996).

Grizzle has not shown that the district court clearly erred in determining that the amount of the loss attributable to Grizzle's conduct amounted to \$48,400. See United States v. Tedder, 81 F.3d 549, 550 (5th Cir. 1996). The district court did not abuse its discretion by ordering Grizzle to pay \$7,000 restitution in 35 equal monthly payments. See United States v. Reese, 998 F.2d 1275, 1282 (5th Cir. 1993).

AFFIRMED.