

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50115
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSÉ GUADALUPE SANCHEZ-ZUBIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-96-CR-476-1
- - - - -

September 23, 1997

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

José Guadalupe Sanchez-Zubia ("Sanchez") appeals his conviction for importation and possession with the intent to distribute marijuana. Sanchez argues that the district court erred in refusing to add the "balancing" language he requested to the deliberate-ignorance instruction given to the jury. The district court did not abuse its discretion in instructing the jury without the requested language because the instruction given was a correct statement of the law of this circuit, because 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

requested language was substantially covered by the charge as a whole, and because the absence of the requested language did not seriously impair Sanchez's ability to present his defense of lack of knowledge. See United States v. Pankhurst, 118 F.3d 345, 350 (5th Cir. 1997); United States v. Stouffer, 986 F.2d 916, 925-26 (5th Cir. 1993).

AFFIRMED.