

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50189
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS FLORES, JR.,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-96-CR-291-1
- - - - -

October 23, 1997

Before REAVLEY, KING and DAVIS, Circuit Judges.

PER CURIAM:*

Jesus Flores, Jr., appeals his criminal conviction for possession of cocaine with intent to distribute. The Assistant United States Attorney's comment is not one which the jury would naturally and necessarily take to be a comment on the failure of the accused to testify. See United States v. Montoya-Ortiz, 7 F.3d 1171, 1178-79 (5th Cir. 1993); see also United States v. Zanabria, 74 F.3d 590, 593 (5th Cir. 1996). Furthermore, the district court's limiting instruction would have rendered any

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

such comment harmless. See Montoya-Ortiz, 7 F.3d at 1179; United States v. Dula, 989 F.2d 772, 777 (5th Cir. 1993).

AFFIRMED.