

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 98-20604  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RENE ANTONIO GOMEZ-CRUZ,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CR-76-1  
- - - - -

June 15, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Rene Antonio Gomez-Cruz ("Gomez-Cruz") appeals the fine that the district court imposed. He argues that the district court erred in finding that he possessed the ability to pay a fine. We have carefully reviewed the arguments and the appellate record. Gomez-Cruz has failed to demonstrate that the district court erred in finding that he possessed the ability to pay a fine. See United States v. Matovsky, 935 F.2d 719, 722-23 (5th Cir. 1991).

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

AFFIRMED.