

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

April 30, 2008

\_\_\_\_\_  
No. 07-50783  
Summary Calendar  
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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ALEJANDRO JAVIER LAZOS-ORTIZ

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:06-CR-2317-4  
\_\_\_\_\_

Before KING, DAVIS and CLEMENT, Circuit Judges.

PER CURIAM:\*

Alejandro Javier Lazos-Ortiz (Lazos) appeals his convictions for conspiring to harbor and encourage illegal aliens, aiding and abetting the harboring of illegal aliens, and aiding and abetting the encouraging of aliens illegally entering the United States. He asserts that the evidence is insufficient to support his convictions because, although there may have been some evidence linking him to some of the alien stash houses discussed at trial, there was no

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

evidence that he had ties to the stash house raided on October 12, 2006, the date alleged in the indictment.

Because Lazos failed to move for a judgment of acquittal, we review his sufficiency argument to determine whether “the record is devoid of evidence pointing to guilt.” *United States v. Delgado*, 256 F.3d 264, 274 (5th Cir. 2001). “The prosecution is not required to prove the exact date [alleged in the indictment]; it suffices if a date reasonably near is established.” *United States v. Powers*, 168 F.3d 741, 746 (5th Cir. 1999). We have reviewed the record and the arguments of the parties, and we conclude that the record is not devoid of evidence supporting a conclusion that Lazos engaged in an alien-harboring conspiracy and harbored and encouraged illegal aliens. See *Delgado*, 256 F.3d at 274. The judgment of the district court is **AFFIRMED**.