

**OCT 14 2004**

**NOT FOR PUBLICATION**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MIGUEL NAVA RIVAS,

Defendant - Appellant.

No. 03-10594

D.C. No. CR-02-00044-CKJ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Cindy K. Jorgenson, District Judge, Presiding

Submitted October 8, 2004\*\*  
San Francisco, California

Before: TROTT, McKEOWN, Circuit Judges, and SHADUR, Senior District  
Judge.\*\*\*

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Milton I. Shadur, Senior Judge for the United States District Court for the Northern District of Illinois, sitting by designation.

Miguel Nava Rivas seeks reversal of his conviction of three counts: (1) conspiracy to possess marijuana with intent to distribute, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and 846; (2) possession with intent to distribute marijuana, and aiding others to do the same, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vii), and 18 U.S.C. § 2; and (3) conspiracy to import marijuana, 21 U.S.C. §§ 952(a), 960(a)(1), 960(b)(2), and 963.

Rivas asserts there was insufficient evidence to sustain any of these three counts. Viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could have found each element of each crime beyond a reasonable doubt. United States v. Bishop, 959 F.2d 820, 829 (9th Cir. 1992). Rivas also challenges the admission of testimony by the government's expert witness. The district court did not abuse its discretion, let alone commit plain error, United States v. Alatorre, 222 F.3d 1098, 1100 (9th Cir. 2000), by admitting the expert witness testimony.

**AFFIRMED.**