

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-12078

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
JUNE 15, 2010
JOHN LEY
CLERK

D. C. Docket No. 08-20423-CR-UU

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDUARDO BATISTA BARQUIN,
a.k.a. Eduardo Batista,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(June 15, 2010)

Before BIRCH and MARCUS, Circuit Judges, and HODGES,* District Judge.

PER CURIAM:

* Wm. Terrell Hodges, United States District Judge for the Middle District of Florida, sitting by designation.

On appeal, defendant-appellant Eduardo Batista Barquin raises four issues:

(1) whether the evidence was sufficient to prove his knowledge and intent to defraud; (2) whether he was deprived of a fair trial based on the district court's alleged cumulative errors in admitting the evidence of billing practices of a different company than the one for which Batista was prosecuted, giving a deliberate ignorance instruction, and allowing the prosecutor's closing argument comments; (3) whether the district court abused its discretion in denying his motion for new trial; and (4) whether the district court properly calculated the amount of loss and enhanced his sentence for obstruction of justice.

After careful review of the record and briefs, as well as having had the benefit of oral argument, we AFFIRM the judgment of the district court.