

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-14168

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAR 08, 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 04-60038 CR-WPD

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DELVIN MCKINNEY,
a.k.a. Poochie,
a.k.a. Poco,

Defendant-Appellant.

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

(March 8, 2007)

Before TJOFLAT, FAY and SILER,* Circuit Judges,

*Honorable Eugene E. Siler, Jr., United States Circuit Judge for the Sixth Circuit, sitting by designation.

PER CURIAM.

Delvin McKinney was convicted of six drug trafficking offenses, which included distributing cocaine within 1,000 feet of a school and playground area. The district court sentenced him to life imprisonment on one count and terms of years on the remaining counts. McKinney appeals, asking that we direct judgment of acquittal on all counts for insufficient evidence. We find the evidence overwhelming and therefore decline his request. McKinney seeks alternatively a new trial on the grounds that the court abused its discretion in admitting evidence and the cumulative effect of erroneous rulings. These grounds are meritless. We also find meritless the claim that his life sentence violates the Eighth Amendment.

AFFIRMED.