

FILED

June 22, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-11226
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE SANTOS PEREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CR-235-ALL

Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jose Santos Perez (Perez) appeals the sentence he received on his guilty-plea convictions of conspiracy to possess stolen mail and possession of stolen mail. We AFFIRM.

Perez's sole contention is that the district court clearly erred by enhancing his sentence on the ground that there were more than 50 victims of his offenses. Section 2B1.1(b)(2)(B) of the Sentencing Guidelines authorizes a four-level increase in a defendant's offense level if that occurred.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court based its finding on the presentence report and testimony of a Secret Service special agent that more than 150 government checks were stolen and some 71 check-cashers and other endorsers were victimized during the conspiracy of which Perez was a leader. This evidence was plausible and uncontradicted by any defense evidence. Thus the district court's finding was not clearly erroneous, and Perez's sentence must be affirmed. See United States v. Young, 981 F.2d 180, 185 (5th Cir. 1992).

AFFIRMED.