IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 01-40157
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SATURNINO OCHOA-FUENTES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-00-CR-233-2

October 11, 2001

Before POLITZ, JONES, and STEWART, Circuit Judges.

PER CURIAM:*

Saturnino Ochoa-Fuentes appeals his guilty-plea conviction for aiding and abetting the possession with the intent to distribute marihuana. He maintains that the district court erred in declining to apply the "safety valve" provision of U.S.S.G. § 5C1.2, concluding that he was untruthful during debriefing. We review findings of

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR..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

fact relating to a § 5C1.2 reduction for clear error.[2] We review legal interpretations of same de novo.[3]

Despite Ochoa's contrary assertions, our review of the record persuades that the district court did not deny the safety-valve reduction based solely on the Government's "bare assertion" that Ochoa-Fuentes had not been truthful during debriefing. Nor did the court incorrectly rely on uncorroborated information given by "unnamed informants." In addition, the finding that the broccoli load was intended as a cover for the marihuana was both relevant and not collateral.

AFFIRMED.

---

[2] See United States v. Miller, 179 F.3d 961, 963-64 (5th Cir. 1999).

[3] Id. at 964.