

May 8, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50912
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDIS DONALDO-MEJIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-02-CR-349-2-OG

Before DAVIS, WIENER and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Edis Donalado-Mejia appeals the sentence he received after he pleaded guilty to illegally transporting aliens. Donalado-Mejia argues that the district court erred when it increased his base offense level under U.S.S.G. § 2L1.1(b)(5) for creating a substantial risk of death or serious bodily injury to the aliens he transported. Commentary to the guideline supports the district court's increase inasmuch as the conditions the aliens

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

were placed in resembled the trunk of an automobile and were otherwise crowded, dangerous, and inhumane. See § 2L1.1, comment. (n.6). Thus, the district court's increase was not error. United States v. Cuyler, 298 F.3d 387, 389 (5th Cir. 2002).

AFFIRMED.