

FILED

December 16, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40641
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUVENTINO IVAN ALVARADO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-02-CR-333-1

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Juventino Ivan Alvarado appeals the sentence he received upon his conviction of possessing cocaine with intent to distribute it, in violation of 21 U.S.C. § 841(a)(1).

Alvarado contends that the district court erred by not applying the safety-valve provision of U.S.S.G. § 5C1.2, rather than sentencing him to the mandatory minimum provided by 21 U.S.C. § 841(b)(1)(A). Alvarado is not entitled to relief because he has not shown that the district court was clearly

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

erroneous in finding that he failed to provide truthful relevant information to the Government. See United States v. Miller, 179 F.3d 961, 964-65 (5th Cir. 1999).

AFFIRMED.