

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11584
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN MARQUEZ, JR., also know as
Juan Baller Marquez,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:96-CR-98-A
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Juan Marquez, Jr., appeals his sentence for conspiracy to possess with intent to distribute approximately five kilograms of cocaine, arguing that the district court erred in increasing his base offense level two levels for possession of a dangerous weapon pursuant to U.S.S.G. § 2D1.1(b)(1). Our review of the record and the arguments and authorities convinces us that no reversible error was committed. The district court adequately

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

resolved the factual issue concerning Marquez's knowledge of the handgun by overruling his objection and adopting the facts contained in the presentence report. See United States v. Garcia, 86 F.3d 394, 401 (5th Cir. 1996), cert. denied, 117 S. Ct. 752 (1997). Because it is not clearly improbable that the weapon found in the vehicle was connected with the offense, the district court did not err in applying the two-level enhancement for weapons possession. See United States v. Flucas, 99 F.3d 177, 179 (5th Cir. 1996), cert. denied, 117 S. Ct. 1097 (1997).

AFFIRMED.