

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30856
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RON CHRISTOPHER GREEN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 96-CR-7 B
- - - - -

June 4, 1997

Before SMITH, DUHE' and BARKSDALE, Circuit Judges.

PER CURIAM:*

Ron Christopher Green appeals his sentence which was imposed after he pleaded guilty to distribution of cocaine base. He argues that the Government had to prove by a preponderance of the evidence that the substance involved was in fact "crack" cocaine. Green fails to show that court's sentence was clearly erroneous. United States v. Jackson, 22 F.3d 583, 584 (5th Cir. 1994). He also argues that the district court erred when it departed from

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the Sentencing Guidelines by reducing his base offense level by one point, not two points. United States v. Alvarez, 51 F.3d 36, 39 (5th Cir. 1995). We have reviewed the parties' briefs and the record and AFFIRM.