

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40159
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SALVADOR MTANOUS, also known as Chavo,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CR-13-1
- - - - -

October 23, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Salvador Mtanous appeals his sentence following a guilty plea to using a communications facility to facilitate the distribution of a controlled substance. Mtanous argues that the district court should not have considered information Mtanous provided pursuant to his plea agreement and that the court clearly erred in determining the quantity of drugs involved in the offense and in finding that Mtanous was an organizer or

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

leader of a criminal activity involving more than five participants. Nothing in Mtanous's plea agreement can be construed to prohibit the district court from sentencing Mtanous based on information obtained during his debriefing by Government agents. The district court's determination of the relevant quantity of drugs and its finding that Mtanous had an aggravating role in the offense are not clearly erroneous. See United States v. Mergerson, 4 F.3d 337, 345 (5th Cir. 1993), cert. denied, 510 U.S. 1198 (1994); United States v. Watson, 988 F.2d 544, 550 (5th Cir. 1993), cert. denied, 510 U.S. 1048 (1994).

AFFIRMED.