

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50279  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROSENDO MONTES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-91-CR-159(9)

- - - - -  
February 21, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:\*

Rosendo Montes appeals the district court's denial of an additional one-level reduction in his offense level for acceptance of responsibility under § 3E1.1(b) of the U.S. Sentencing Guidelines. He argues that the district court did not address whether he timely assisted the Government by cooperating. The record indicates that Montes did not enter a guilty plea until approximately two weeks before trial which did not enable the Government to avoid preparing for trial. Although the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court did not expressly state whether Montes timely cooperated with the Government, the district court implicitly determined that Montes did not satisfy the requirements for an additional one-level reduction for acceptance of responsibility. Montes has not shown that the district court clearly erred in denying the additional reduction. See United States v. Tello, 9 F.3d 1119, 1124-25 (5th Cir. 1993).

AFFIRMED.