

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41498  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROGERS JOSEPH ANDRUS, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:97-CR-153-1  
- - - - -

December 15, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Rogers Andrus, Jr., appeals his sentence from a guilty plea for possession of cocaine base with intent to distribute. See 21 U.S.C. § 841(a)(1) & (b)(1)(A).

On appeal, Andrus argues that the district court erred when it found that Andrus was an organizer or leader of a criminal activity that involved five or more participants and increased by four levels his offense level. See U.S.S.G. § 3B1.1(a).

The pre-sentence report established that the criminal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

activity involved five or more participants and that Andrus directed the activities of several members of the criminal activity. *See United States v. Lage*, 183 F.3d 374, 383 (5th Cir. 1999), *petition for cert. filed*, (U.S. Oct. 27, 1999)(99-6847). Thus the district court did not err when it concluded that Andrus was an organizer or leader and increased his offense level accordingly. *See id.* at 382. The district court's judgment is AFFIRMED.