

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10349
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL TINAJERO,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:98-CR-057-1-C

December 29, 1999

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Manuel Tinajero ("Tinajero") appeals from his sentence following his jury trial conviction for illegal re-entry after deportation, 8 U.S.C. § 1326. He contends that the district court erred by adjusting his offense level upward two levels for obstruction of justice, pursuant to U.S.S.G. § 3C1.1.

Specifically, Tinajero argues that the district court clearly erred in finding his failure to appear for trial willful. We have reviewed the record and the briefs of the parties, and we

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conclude that the district court did not err in applying § 3C1.1.

See United States v. O'Callaghan, 106 F.3d 1221, 1223 (5th Cir. 1997).

AFFIRMED.