

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-21102  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RIGOBERTO GOMEZ-SOLIS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CR-239-1  
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October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Rigoberto Gomez-Solis appeals the sentence imposed by the district court following his guilty-plea conviction for conspiracy to possess marijuana with intent to distribute and two counts of possession of marijuana with intent to distribute. He argues that the district court clearly erred in finding that he was a leader or organizer of criminal activity involving five or more participants and in increasing his offense level by four points under U.S.S.G. § 3B1.1(a). Because Gomez-Solis did not present rebuttal evidence and the evidence presented in the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Presentence Report (PSR) had an adequate evidentiary basis, the district court did not clearly err in adopting the facts presented in the PSR without further inquiry. See United States v. Brown, 54 F.3d 234, 242 (5th Cir. 1995). Gomez-Solis has not shown that the district court clearly erred in finding that he was a leader or an organizer of criminal activity involving five or more participants under § 3B1.1(a). See United States v. Glinsey, 209 F.3d 386, 396 (5th Cir.), cert. denied, 531 U.S. 919 (2000).

AFFIRMED.