

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40280 c/w
No. 00-40293
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADAN ESCAMILLA-GUERRA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-94-CR-49-1
- - - - -

June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judge.

PER CURIAM:*

Adan Escamilla-Guerra is appealing the sentence imposed in this case. The district court sentenced Escamilla-Guerra to 33 months of imprisonment for conspiracy to possess with intent to distribute marijuana and eight months of imprisonment for failure to appear in a criminal proceeding unrelated to the marijuana offense. Escamilla-Guerra asserts that the sentence for the failure-to-appear offense should have been imposed to run concurrently with rather than consecutively to the sentence for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the marijuana offense. Escamilla-Guerra concedes that the district court did not err in determining the combined offense level for multiple offenses and determining that an offense level of 20 is appropriate for his case. Escamilla-Guerra also concedes that a sentencing range of 33 to 41 months of imprisonment is appropriate for this offense level and his Criminal History Category I. The imposition of a 33-month term of imprisonment followed consecutively by an eight-month term of imprisonment does not exceed the appropriate guidelines range of 33 to 41 months and conforms to the mandate of 18 U.S.C. § 3146(b)(2). The district court did not err in sentencing Escamilla-Guerra. United States v. Matovsky, 935 F.2d 719, 721 (5th Cir. 1991).

AFFIRMED.