

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41205
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUISA DELGADO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-00-CR-97-1
- - - - -

December 12, 2001

Before HIGGINBOTHAM, BARKSDALE and STEWART, Circuit Judges.

PER CURIAM:*

Luisa Delgado appeals her sentence from her guilty-plea conviction for possession with intent to distribute approximately 5.9 kilograms of cocaine. She argues that the district court erred in not applying the "safety valve" provision provided in U.S.S.G. § 5C1.2 because she timely provided to the Government all information and evidence she had concerning her offense.

The district court shall sentence a defendant according to the applicable guidelines, rather than the statutory minimum

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sentence if, among other things, the defendant truthfully provided the Government with "all information and evidence the defendant has concerning the offense[.]" U.S.S.G. § 5C1.2(5). A district court's refusal to apply the "safety valve" provision is a factual finding reviewed for clear error. United States v. Edwards, 65 F.3d 430, 433 (5th Cir. 1995). We perceive no such error here.

Accordingly, the judgment is AFFIRMED.