

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20374
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE COLLAZO, also known as Carlos E. Soto,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-377-3

April 10, 2002

Before JOLLY, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Jorge Collazo asserts that the district court erred in upwardly adjusting his sentence for obstruction of justice pursuant to U.S.S.G. § 3C1.1. Collazo contends that his misrepresentations regarding his identity were not willful, but resulted from confusion, mistake, or faulty memory.

The presentence report ("PSR") found that Collazo obstructed justice by willfully providing materially false information regarding his true identity to the magistrate judge during the detention hearing. Since Collazo did not present at the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sentencing hearing any rebuttal evidence in support of his objection, the district court was free to adopt the PSR's finding without further inquiry. See United States v. Vital, 68 F.3d 114, 120 (5th Cir. 1995). Accordingly, the district court did not err, clearly or otherwise, in finding that Collazo obstructed justice. See U.S.S.G. § 3C1.1, comment. (nn.2, 4(f)); United States v. Storm, 36 F.3d 1289, 1295 (5th Cir. 1994). The judgment of the district court is AFFIRMED.