

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40621
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN CARLOS RUIZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-00-CR-578-3

May 8, 2002

Before DAVIS, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Juan Carlos Ruiz appeals from a guilty-plea conviction for smuggling an illegal alien in the United States in violation of 8 U.S.C. § 1324(a). Ruiz argues that the district court erred in adding eight levels to his base offense level for a death that occurred during the course of the offense. See U.S.S.G. § 2L1.1(b)(6)(4).

We review the district court's application of the Sentencing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Guidelines de novo and findings of fact for clear error. See United States v. Paul, 274 F.3d 155, 161 (5th Cir. 2001). The record in Ruiz's case establishes by a preponderance of the evidence that the eight-level increase was justified. See id. at 164. Accordingly, the judgment and sentence of the district court is AFFIRMED.