

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 01-41074
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MOHAMMED GOUJIL,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-01-CR-41-1

May 16, 2002

Before POLITZ, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Mohammed Goujil appeals his sentence for passport fraud under 18 U.S.C. § 1546(a), asserting that the district court erred in assessing a two-level upward adjustment at sentencing based on obstruction of justice under U.S.S.G. § 3C1.1.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Finding no error in Goujil's sentence, we affirm.

We review the district court's application of the Sentencing Guidelines *de novo* and its factual findings, such as a finding of obstruction of justice, for clear error.¹ We will uphold a sentence on appeal unless it was imposed in violation of law; imposed as a result of an incorrect application of the sentencing guidelines; or outside the range of the applicable sentencing guideline and is unreasonable.² The district court imposed the adjustment in the instant action after finding that Goujil tried to threaten a witness via a letter, and that he lied to the court and to his probation officer regarding his credentials and his reasons for not wanting to return to Morocco. This conduct falls squarely within the list of behaviors cited in the commentary to § 3C1.1 describing conduct that constitutes obstruction of justice.³ Accordingly, the district court did not err in assessing a two-level upward adjustment for obstruction of justice.

The sentence imposed by the district court is **AFFIRMED**.

¹ United States v. Greer, 158 F.3d 228, 233 (5th Cir. 1998) (internal citations omitted).

² Id.

³ See U.S.S.G. § 3C1.1, comment (n.4).