

April 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40904
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REYNALDO OLGUIN,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:99-CR-56-2

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Reynaldo Olguin appeals from his sentence for conspiracy to distribute and possess with intent to distribute marijuana in violation of 21 U.S.C. § 846. Olguin argues that (1) the district court erred in denying him a downward adjustment for acceptance of responsibility and (2) the district court erred in sentencing him to four years of supervised release.

In light of Olguin's failure to meet with a probation officer, failure to surrender, and provision of a false name to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

police officers, his case does not qualify as an extraordinary situation warranting adjustments for both obstruction of justice and acceptance of responsibility. See United States v. Chapa-Garza, 62 F.3d 118, 123 (5th Cir. 1995); United States v. McDonald, 964 F.2d 390, 391 (5th Cir. 1992).

Despite Olguin's assertion to the contrary, the record shows that the district court expressly recognized that the statutory minimum sentence of four years of supervised release did not apply to him, because he qualified for a safety-valve reduction. See 18 U.S.C. § 3553(f); U.S.S.G. § 5D1.2, comment. (n.2). Olguin's sentence of four years of supervised release falls within the guideline range, U.S.S.G. § 5D1.2(a)(1), and he has demonstrated no error, plain or otherwise. See United States v. Kelly, 974 F.2d 22, 24 (5th Cir. 1992).

The judgment of the district court is AFFIRMED.