

FILED

November 25, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40275
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HERMELINDA MENDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-02-CR-281-ALL

Before JOLLY, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:*

Hermelinda Mendez appeals from her sentence for conspiracy to possess with intent to distribute marihuana in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846. Mendez argues that the district court erred in finding that she had not accepted responsibility for her actions.

The discrepancies between Mendez' assertions at her re-arraignment and sentencing hearing and the accounts of Jamie Lynn Lopez and Geneva July Romero constitute an adequate foundation

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for the district court's decision to deny Mendez a sentence adjustment on the basis of acceptance of responsibility. See United States v. Pierce, 237 F.3d 693, 695 (5th Cir. 2001). The district court declined to credit Mendez' statements about her role in the offense, see United States v. Becerra, 155 F.3d 740, 757 (5th Cir. 1998), and the district court's finding is given great deference on appeal. United States v. Marmolejo, 139 F.3d 528, 531 (5th Cir. 1998). There was no error.

AFFIRMED.