

December 10, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50225
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE LUIS CASTILLO,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-02-CR-42-5

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Jose Luis Castillo appeals his sentence following his guilty plea conviction to conspiracy to distribute five kilograms or more of cocaine and possession with intent to distribute five kilograms or more of cocaine. He argues 1) that the district court abused its discretion when it denied his motion for a writ of habeas corpus ad testificandum for a co-defendant to be present at Castillo's sentencing hearing; 2) that the upward adjustment of his offense by two for his aggravated role in 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

offense was clear error; and 3) that the district court did not specify reasons for the adjustment.

Castillo received the statutory mandatory minimum sentence for his offenses. See 21 U.S.C. § 841(b)(1)(A). Any error with the district court's determination of Castillo's role in the offense, if any, is harmless error. See Williams v. United States, 503 U.S. 193, 203 (1992); see also United States v. Williams, 22 F.3d 580, 582 (5th Cir. 1994).

AFFIRMED.