

February 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50338
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GASPAR SARDANETA MARTINEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-02-CR-151-2

Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Gaspar Sardaneta Martinez (Martinez) appeals his sentence following his guilty plea conviction for conspiracy to possess with the intent to distribute methamphetamine, cocaine, and amphetamine. Martinez argues that the district court clearly erred in overruling his objection to the presentence report's (PSR) drug-quantity findings. Specifically, Martinez challenges as unreliable case agent David Evans's sentencing-hearing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

testimony relating to information he obtained from a confidential informant (CI).

Even without consideration of the information obtained from the CI, the district court's drug-quantity findings remain plausible in light of the record as a whole. See United States v. Puig-Infante, 19 F.3d 929, 942 (5th Cir. 1994); United States v. Shipley, 963 F.2d 56, 58 (5th Cir. 1992). Accordingly, the district court did not clearly err in overruling Martinez's objection to the PSR's drug-quantity calculation. See United States v. Ponce, 917 F.2d 841, 842 (5th Cir. 1990).

AFFIRMED.