

FILED

December 16, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-40329
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBERTO ESCAMILLA,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:02-CR-175-1-RC-ESH

Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

Alberto Escamilla appeals from his conviction of possessing with intent to distribute crack cocaine and carrying a firearm during a drug-trafficking offense. He contends solely that the district court should have adjusted his offense level for acceptance of responsibility.

The testimony of Investigator Tyree Beals, which was corroborated by other evidence, provided support for the district court's determination that Escamilla was not entitled to an adjustment for acceptance of responsibility. Because there was a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

foundation for the district court's determination, we do not disturb that determination. United States v. Washington, 340 F.3d 222, 227 (5th Cir.), cert. denied, 124 S. Ct. 942 (2003).

AFFIRMED.