

July 14, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40892
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER MICHAEL FISHER,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:04-CR-2579-ALL

Before BARKSDALE, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:*

Christopher Michael Fisher appeals his sentence following his conviction of alien-smuggling for profit. He contends that the district court erred by adjusting his offense level because he recklessly created a substantial risk of death or serious bodily injury.

The district court did not err by adjusting Fisher's offense level. Fisher carried a passenger in a cargo compartment underneath the floorboard of the sleeper section of his tractor-trailer that was not designed to hold people. Moreover, Fisher was deliberately ignorant of 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

hiding positions of his passengers. See United States v. Rodriguez-Mesa, 443 F.3d 397, 403 (5th Cir. 2006).

AFFIRMED.