

June 28, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-51333
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARRELL P. VENDETTI,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:06-CR-92-ALL

Before JOLLY, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Darrell P. Vendetti pleaded guilty to count 1 of an indictment charging him with possession of child pornography and was sentenced under the advisory guidelines to a 120-month term of imprisonment and to a three-year period of supervised release. He was ordered to pay a \$1,000 fine. Vendetti gave timely notice of his appeal.

Vendetti contends that the district court should have reduced his offense level because he accepted responsibility for his criminal conduct, notwithstanding the district court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

finding that the offense level should be increased because Vendetti obstructed justice by destroying evidence. Vendetti has not shown that the district court's determination, that his case does not present extraordinary circumstances making such an adjustment appropriate, was without foundation. See U.S.S.G. § 3E1.1, comment. (n.4); United States v. Washington, 340 F.3d 222, 227 (5th Cir. 2003); United States v. Chung, 261 F.3d 536, 540 (5th Cir. 2001). The judgment is AFFIRMED.