

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-2590  
Conference Calendar

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UNITED STATES OF AMERICA,  
versus  
BRENT RANDY ROACH,  
Plaintiff-Appellee,  
Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-H-92-40  
- - - - -

March 18, 1993  
Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Brent Randy Roach appeals the district court's two-level enhancement of his sentence for obstruction of justice pursuant to U.S.S.G. § 3C1.1. He argues that his providing alias names to the magistrate judges did not constitute a material obstruction of justice to warrant such an adjustment. This Court reviews such challenges to the district court's interpretation of the sentencing guidelines *de novo*. United States v. Rodriguez, 942 F.2d 899, 901 (5th Cir. 1991), cert. denied, 112 S.Ct. 990 (1992).

U.S.S.G. § 3C1.1 authorizes a two-level upward adjustment if the defendant "willfully obstructed or impeded, or attempted to

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

obstruct or impede, the administration of justice during the investigation, prosecution, or sentencing of the instant offense." § 3C1.1. The adjustment is proper if a defendant used an alias when under oath before a magistrate judge. United States v. McDonald, 964 F.2d 390, 392-93 (5th Cir. 1992). Such use of a false name before a judge or magistrate judge merits enhancement even without a showing of significant hindrance. Id. The district court's two-level enhancement of Roach's sentence is AFFIRMED.