

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-8577

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSE MONTOYA,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
MO 92 CR 61 5

(June 21, 1993)

Before JOHNSON, JOLLY, and JONES, Circuit Judges.

PER CURIAM:*

Jesse Montoya pled guilty to knowingly and willfully structuring a series of related transactions involving \$10,000.00 with a bank for the purpose of evading a reporting requirement, a violation of 31 U.S.C. §§ 5322 and 5324. The district court sentenced Montoya to twenty-seven months imprisonment, two years of supervised release, and a special assessment. Montoya appeals the district court's sentence, citing seven points of error: (1) the

*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 Pursuant to that Rule, the court has determined that this opinion should not be published.

district court erred by adopting the recommended findings and analysis within Montoya's presentence report and its addendum; (2) the district court erred by increasing Montoya's base offense level based on his knowledge or belief that structured financial transactions involved criminally derived property; (3) the district court erred by not reducing the base offense level due to Montoya's mitigating role in the offense; (4) the district court erred by applying the sentencing guidelines in effect on the date the criminal conduct occurred rather than the date of sentencing; (5) the district court erred in imposing a term of two years of supervised release; (6) the district court erred by not reducing Montoya's base offense level because he accepted responsibility; and (7) the district court erred by considering socioeconomic factors in making a sentencing guideline determination.

After due consideration, we are of the opinion that all of Montoya's claims are completely without merit. The district court committed no reversible error in sentencing Montoya. Accordingly, the decision of the district court is

A F F I R M E D.