

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20083
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAUL ELIZONDO ALVAREZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-92-298
- - - - -

(January 27, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

The district court may consider any relevant evidence with sufficient indicia of reliability. United States v. Manthei, 913 F.2d 1130, 1138 (5th Cir. 1990). A PSR generally has that type of reliability. United States v. Alfaro, 919 F.2d 962, 966 (5th Cir. 1990).

The defendant has the burden of proving that the evidence objected to is unreliable. United States v. Kinder, 946 F.2d 362, 366 (5th Cir. 1991), cert. denied, 112 S. Ct. 2290 (1992).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

If no relevant affidavits or other evidence are submitted to rebut the information contained in the PSR, the district court is free to adopt its findings without further inquiry or explanation. United States v. Mir, 919 F.2d 940, 943 (5th Cir. 1990). Alvarez did not provide any evidence to rebut the information in the PSR, and he does not dispute the facts contained in the PSR. The district court's finding that Alvarez held a managerial or supervisory role in the conspiracy is not clearly erroneous. Alvarez' sentence is AFFIRMED.