

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20202
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAIME CESAR GUERRERO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-93-1049-1
- - - - -

(March 22, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Jaime Cesar Guerrero contends that the district court reversibly erred by overruling his objection to the two-level increase in his offense level for possession of firearms, pursuant to U.S.S.G. § 2D1.1(b)(1).

The evidence supports the upward adjustment of Guerrero's offense level. The vehicle used, a Buick which contained 55 kilograms of cocaine, was registered to him. On the evening of his arrest, he admittedly was waiting at his residence for Hermann to bring the drugs to be stored in his residence, in

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

accordance with their agreement. As soon as Hermann and Bonilla parked the Buick in Guerrero's driveway, Guerrero opened his garage door and greeted them. Guerrero admitted that he owned the firearms. If he had not been apprehended, these weapons would have been available to protect the very large quantity of cocaine which he intended to store in his residence. Thus, "a temporal and spatial relation existed between the weapon[s], the drug trafficking activity, and the defendant." United States v. Hooten, 942 F.2d 878, 882 (5th Cir. 1991).

JUDGMENT AFFIRMED.