

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60359

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RENE MAXIMIANO FUENTES,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
(CR-C-94-2 (01))

(February 10, 1995)

Before WISDOM, REYNALDO G. GARZA and GARWOOD, Circuit Judges.*

PER CURIAM:

Appellant's arguments on appeal respecting the \$250 fine raise contentions not presented to the district court below. This is not an appropriate case to reverse for plain error. *See United States v. Rodriguez*, 15 F.3d 408, 414 (5th Cir. 1994); *United States v. Aumada*, No. 93-7562, 5th Cir. March 29, 1994 (unpublished). *Cf. United States v. Blanchard*, 9 F.3d 22 (6th Cir. 1993).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

As to the weapon enhancement under section 2D1.1 of the Guidelines, the weapon, as appellant was aware, was present and available for use, and under all the circumstances the district court did not err in applying the enhancement. See *United States v. Mitchell*, 31 F.3d 271, 277 (5th Cir.), cert. denied, 115 S.Ct. 455 (1994); *United States v. Menesses*, 962 F.2d 420, 429 (5th Cir. 1992). The conviction and sentence are accordingly

AFFIRMED.