

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11073
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARIA D. DELEON, also known as
Cha Cha,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:95-CR-87-3-A
- - - - -

June 27, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Maria DeLeon appeals her sentence from her guilty-plea conviction for conspiracy to distribute more than 100 grams of heroin. DeLeon complains that the district court erred by enhancing her base offense level for her participation in the conspiracy as a manager and by relying on the Presentence Report as basis for its findings. We have reviewed the record and the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

briefs of the parties and hold that the district court's findings were not clearly erroneous. See United States v. Watson, 988 F.2d 544, 550 (5th Cir. 1993), cert. denied 114 S. Ct. 698 (1994); U.S.S.G. § 3B1.1, comment. (n.4). Because DeLeon failed to present evidence to refute the findings of the Presentence Report, the district court did not err by relying upon it. United States v. Ayala, 47 F.3d 688, 690 (5th Cir. 1995); United States v. Elwood, 999 F.2d 814, 817 (5th Cir. 1993).

AFFIRMED.