

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40173
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT C. GRIFFIN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:94-CR-93-1

- - - - -
December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

The district court did not err in denying Robert C. Griffin a decrease in his Sentencing Guidelines offense level on the ground that he twice tested positive for the use of cocaine while he was on pretrial release. United States v. Siebe, 58 F.3d 161, 163 (5th Cir. 1995). Nor did the Government breach the plea agreement by not moving for a downward departure. United States v. Underwood, 61 F.3d 306, 312 (5th Cir. 1995).

AFFIRMED.

* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.