

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40199
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAVIER BERMEA, a/k/a JAVIER MIRELEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
(USDC No. C-94-CR-144-1)
- - - - -

July 8, 1996

Before WIENER, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Javier Bermea appeals his sentence from his guilty-plea conviction for conspiracy to possess with the intent to distribute approximately 159 kilograms of marijuana. Bermea argues that the district court erred by enhancing his base offense level for his participation as a manager or supervisor in a conspiracy involving five or more participants and by relying on the Presentence Report

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

as basis for its findings. Because Bermea raises these issues for the first time on appeal, we review for plain error. See United States v. Calverley, 37 F.3d 160, 162 (5th Cir. 1994) (en banc), cert. denied, 115 S. Ct. 1266 (1995).

We have reviewed the record and the briefs of the parties and find that the district court did not commit plain error by increasing Bermea's base offense level for his role in the offense. 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.