

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50298
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS BARRERA HERNANDEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-91-CR-318
- - - - -

March 22, 1996

Before HIGGINBOTHAM, DUHE' and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Carlos Barrera Hernandez appeals from the sentence imposed at resentencing for his conviction for conspiracy to possess with intent to distribute cocaine. Our review of the record and the arguments and authorities convince us that no reversible error was committed. Hernandez did not object to the district court's application of U.S.S.G. § 5G1.3(b); consequently, there was no factual development of the issue at resentencing. Hernandez has not demonstrated an error that is plain. See United States v.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc), cert. denied, 115 S. Ct. 1266 (1995); United States v. Lopez, 923 F.2d 47, 50 (5th Cir.), cert. denied, 500 U.S. 924 (1991). The district court's findings concerning the quantity of drugs involved in the offense are not clearly erroneous. See United States v. Mergerson, 4 F.3d 337, 345 (5th Cir. 1993), cert. denied, 114 S.Ct. 1310 (1994). The increase of two levels under § 2D1.1(b)(1) for possession of a weapon during the commission of a the offense had no effect on Hernandez's statutorily minimum sentence. See United States v. Cabral-Castilo, 35 F.3d 182, 188 (5th Cir. 1994), cert. denied, 115 S. Ct. 1157 (1995). The motion to take judicial notice is DENIED.

AFFIRMED.