

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-50642  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBERT SANCHEZ, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-94-CR-384  
- - - - -

June 3, 1997

Before KING, JOLLY and DENNIS, Circuit Judges.

PER CURIAM:\*

Albert Sanchez, Jr., appeals his sentence after being convicted of distribution of cocaine and possession of cocaine with intent to distribute. Sanchez contends that the district court erred in assessing a two-level enhancement under U.S.S.G. § 3B1.1(c) after determining that he was an organizer in the offense. We have reviewed the record and the briefs of the parties and hold that the district court's determination did not

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

have an adequate evidentiary basis. United States v. Jobe, 101 F.3d 1046 (5th Cir. 1996). The record is inadequate to show that Sanchez supervised Manzano in any activity for which Manzano was criminally liable. Accordingly, the two-level enhancement under § 3B1.1(c) was improper.

It is ordered that the sentence imposed by the district court against Sanchez is VACATED. The case is REMANDED to the district court for resentencing.

VACATED AND REMANDED.