

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Nos. 95-50911
95-50917
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE MANUEL ENRIQUEZ-VARELA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC Nos. 94-CR-411 & 95-CR-106
- - - - -

June 3, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Jose Manuel Enriquez-Varela appeals his guilty-plea conviction for possession with intent to distribute heroin, in violation of 21 U.S.C. § 841(a)(1), and failure to appear, in violation of 18 U.S.C. § 3146(a)(1). He argues that the district court erred in declining to award a two-level decrease for acceptance of responsibility under U.S.S.G. § 3E1.1 and in calculating his criminal history score.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the record, the briefs of the parties, and the district court's oral ruling and find no reversible error. The district court did not err in finding that Enriquez's conduct was not so extraordinary that adjustments for both obstruction of justice and acceptance of responsibility would be appropriate. See United States v. Ayala, 47 F.3d 688, 691 (5th Cir. 1995). The district court's calculation of Enriquez's criminal history score did not rise to the level of plain error. See United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc).

AFFIRMED.