

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20929
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JACK P. KIRBY, III,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CR-306-4
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Jack P. Kirby, III, appeals following his guilty-plea conviction for conspiracy to manufacture and distribute methamphetamine, alleging that the district court erred in not giving him a downward adjustment as a minor participant under U.S.S.G. § 3B1.2. Our review of the record and the arguments and authorities convinces us that no reversible error was committed. In light of the extent of Kirby's involvement in the conspiracy,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the district court did not clearly err in finding that minor-participant status was not warranted. See United States v. Thomas, 932 F.2d 1085, 1092 (5th Cir. 1992).

AFFIRMED.