

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40209
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

JOSÉ ARMANDO GONZALES,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-95-CR-262-01
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

José Armando Gonzales appeals his sentence in a guilty-plea conviction for possession with intent to distribute approximately 297.7 kilos of marijuana. He argues that the district court erred in increasing his offense level by two levels pursuant to U.S.S.G. § 3B1.1(c). Gonzales further contends that, because of the allegedly erroneous finding that he was an organizer, leader, manager, or supervisor in a criminal activity, he did not qualify

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

for the "safety value" provision of § 5C1.2, and he received the mandatory minimum sentence of five years. We have reviewed the record and the briefs and hold that the findings of the district court are not clearly erroneous. See United States v. Alvarado, 898 F.2d 987, 993 (5th Cir. 1990).

AFFIRMED.