

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40998
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID GUAJARDO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-96-CR-133-1
- - - - -

May 21, 1997

Before REAVLEY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

David Guajardo appeals the district court's finding that he had a supervisory role in the offense and its imposition of a three-level increase in his offense level. Guajardo contends that he was merely a supplier of the marijuana who contracted with a pre-existing organization and that he did not exert control or authority over anyone. Guajardo contends that there was no reliable evidence in support of the district court's

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

finding.

The evidence in the record amply supports the district court's factual finding under U.S.S.G. § 3B1.1 that Guajardo's role in the offense conduct warranted the three-level increase in his offense level. See United States v. Valencia, 44 F.3d 269, 272-73 (5th Cir. 1995). The district court's finding was not clearly erroneous. See id. at 272. The judgment of the district court is AFFIRMED.