

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50520
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERALDA COOK VIDAL, a.k.a. "Cookie,"

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
USDC No. W-95-CR-007 (19)

February 13, 1997
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Geralda Vidal, a.k.a. "Cookie," appeals from a guilty plea conviction of conspiracy to possess with intent to distribute a quantity of marijuana in violation of 21 U.S.C. § 846. The district court did not clearly err in applying an upward adjustment for obstruction of justice under U.S.S.G. § 3C1.1 because the evidence showed that Vidal attempted to solicit the murder of an investigating officer and thereby attempted to obstruct or impede

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.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 administration of justice during the investigation of the instant offense. See United States v. Ismoila, 100 F.3d 380 (5th Cir. 1996); U.S.S.G. § 3C1.1. The district court did not err in denying a downward adjustment for acceptance of responsibility because Vidal failed to carry her burden of demonstrating that hers was an extraordinary case entitled to the reduction. See United States v. Ayala, 47 F.3d 688, 691 (5th Cir. 1995); U.S.S.G. § 3E1.1, comment. (n.4).

A F F I R M E D.