

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20551  
Summary Calendar

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UNITES STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARK ANTHONY MARTIN,  
also known as Beau Charles  
Martin,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-94-CR-143-4  
- - - - -

July 6, 1998

Before JONES, SMITH and STEWART, Circuit Judges.

PER CURIAM:\*

Mark Anthony Martin argues that the district court erred in enhancing his offense level based on his obstruction of justice. Martin also argues that he is entitled to be resentenced to determine whether he is entitled to have his offense level adjusted under U.S.S.G. § 2D1.1(b)(6).\*\*

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

\*\* This provision, when it became effective in November 1, 1995, was contained in § 2D1.1(b)(4).

We have reviewed the record, including the briefs of the parties, and affirm the sentence imposed by the district court. Martin, personally and through his counsel, misrepresented his identity and his prior arrest history to the magistrate judge. Therefore, the district court did not clearly err in enhancing Martin's offense level for the obstruction of justice under § 3C1.1. See § 3C1.1, comment. (n.3(f)). Martin is not entitled to have the case remanded for a determination of the effect, if any, of § 2D1.1(b)(6) on his sentence. See United States v. Flores-Ochoa, No. 97-11393, 1998 WL 197668 (5th Cir. Apr. 24, 1998).

AFFIRMED.