

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30404
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID CAICEDO ASPRILLA, also
known as Rosenberg Castillo,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 95-CR-50087-1
- - - - -

October 20, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

David Caicedo Asprilla appeals his conviction and sentence for possession of cocaine with intent to distribute, a violation of 21 U.S.C. § 841(a). Asprilla argues that he was entitled to a U.S.S.G. § 5C1.2 "safety valve" departure below the mandatory minimum five-year prison term. Because he failed to raise this claim in district court, it is subject to review for "plain error" only. See United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc). Because Asprilla has made no

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

indication either that he has "truthfully provided to the Government all information and evidence [he] has concerning the offense," or that he "has no relevant or useful other information to provide," see § 5C1.2(5), no plain error is apparent. We AFFIRM the sentence imposed by the district court.

AFFIRMED.