

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40371  
(Summary Calendar)

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ISMAEL PEREZ-HUERTA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(B-98-CR-24-1)

- - - - -  
December 17, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges:

PER CURIAM:\*

Defendant-Appellant Ismael Perez-Huerta appeals his sentence for possession with intent to distribute marijuana in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(D) and 18 U.S.C. § 2. He argues that the district court erred in imposing a two-level increase to his base offense level under U.S.S.G. § 2D1.1(b)(1) for possession of a dangerous weapon. Specifically, Perez-Huerta maintains that the government failed to prove by a preponderance of the evidence that the firearm was connected with the offense. He also argues that the district court violated Federal Rule of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Criminal Procedure 32(c)(1) by failing to make specific factual findings regarding the offense level increase.

Our review of the record and the briefs of the parties leads us to conclude that the district court did not err in imposing a two-level increase under § 2D1.1(b)(1) for possession of a firearm, and that the district court satisfied the requirements of Rule 32(c)(1) at sentencing when it overruled Perez-Huerta's objection based on the information in his presentence report. See United States v. Mora, 994 F.2d 1129, 1141 (5th Cir. 1993). Furthermore, the district court's decision to impose the two-level increase under § 2D1.1(b)(1) was not clearly erroneous. See United States v. Griffith, 118 F.3d 318, 326-27 (5th Cir. 1997).

AFFIRMED.