

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41106
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE CADENA-DIAZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CR-134-3
- - - - -

June 16, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Jose Cadena-Diaz appeals his sentence after pleading guilty to possession of a prohibited object by an inmate. He contends that the district court relied on improper grounds in departing upward. After reviewing the record and the briefs of the parties, we hold that Cadena-Diaz has not shown any error, plain or otherwise, in the district court's decision to depart upward. See United States v. Alford, 142 F.3d 825, 830 (5th Cir.), cert. denied, 119 S. Ct. 514 (1998). Accordingly, the district court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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judgment is AFFIRMED.