

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10841
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICARDO AVILEZ-REYES,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:97-CR-89-1-Y

December 16, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Ricardo Avilez-Reyes appeals from his resentencing on remand for his guilty-plea conviction for possession with intent to distribute methamphetamine. He argues that the district court erred by increasing his base offense level by two pursuant to U.S.S.G. § 3C1.1 for obstruction of justice and by refusing to reduce his base offense level by three pursuant to § 3E1.1 for his acceptance of responsibility. We have reviewed the record and find no reversible error. Given the testimony and the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

information contained in the PSR, the district court did not clearly err by increasing Avilez-Reyes's base offense level for obstruction of justice and by refusing to reduce his base offense level for his acceptance of responsibility. Accordingly, the judgment of the district court is AFFIRMED.