

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-21045  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

GUSTAVO CARBAJAL, also known as Gustavo Carbajal Gomez

Defendant - Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CR-390-5  
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November 3, 2000

Before KING, Chief Judge, and SMITH and PARKER, Circuit Judges.

PER CURIAM:\*

Gustavo Carbajal appeals the sentence imposed by the district court following his jury trial conviction for conspiracy to transport and harbor undocumented aliens. We review the district court's application of the Sentencing Guidelines de novo, and we review its factual findings for clear error. United States v. Edwards, 65 F.3d 430, 432 (5th Cir. 1995).

Carbajal argues that the district court clearly erred in increasing his base offense level by nine points based on its

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

factual finding that Carbajal was accountable for smuggling, transporting, or harboring more than 100 aliens. See U.S.S.G. § 2L1.1(b)(2)(C). Because this finding is plausible in light of the record read as a whole, the district court did not commit any error, clear or otherwise. United States v. Watson, 966 F.2d 161, 162 (5th Cir. 1992).

The judgment of the district court imposing sentence is  
AFFIRMED.