

February 13, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-51596  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ABEL ARAUJO-AVILA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:98-CR-310-ALL  
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Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Abel Araujo-Avila (Araujo), federal prisoner # 88995-080, appeals the denial of his 18 U.S.C. § 3582(c)(2) motion to reduce sentence. He argues pursuant to Amendment 668 to the Sentencing Guidelines that he is entitled to a role adjustment in his offense level. Araujo, however, has failed to brief the issue whether the district court erred in holding that his motion was meritless because Amendment 668 has not been designated retroactively applicable under U.S.S.G. § 1B1.10(c) (2006). He

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

has therefore waived its review. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

AFFIRMED.