

February 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40315
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO MONTEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:05-CR-343-1

Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Francisco Montez appeals his sentence for conspiracy to possess with intent to distribute more than 100 kilograms of marijuana. Montez argues that the evidence is insufficient to support sentence enhancements imposed for obstruction of justice and for his role in the offense. Montez's arguments are not reviewable on appeal because he waived both issues at sentencing.

United States v. Musquiz, 45 F.3d 927, 931 (5th Cir. 1995).

Accordingly, the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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