

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2009

Charles R. Fulbruge III
Clerk

No. 08-20773
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

THANG DINH NGO, also known as Tom, also known as number 33, also known
as number 65,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:07-CR-338-1

Before BENAVIDES, PRADO and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Thang Dinh Ngo appeals the sentence imposed following his conviction for conspiracy to possess with intent to distribute cocaine and 3, 4 methylenedioxyamphetamine. He argues that the district court erred in denying him safety valve reduction pursuant to U.S.S.G. §§ 2D1.1(b)(11), 5C1.2 based on a finding that he failed to truthfully provide to the Government all information and evidence he had concerning the offense. We review the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court's finding for clear error. *United States v. Flanagan*, 80 F.3d 143, 145 (5th Cir. 1996).

The district court was able to assess Ngo's credibility and that of the testifying agents at the sentencing hearing and found that Ngo had never been entirely forthcoming during debriefing regarding his role in the offense. The court was entitled to discredit Ngo's testimony to the contrary, *see United States v. Sotelo*, 97 F.3d 782,799 (5th Cir. 1996), and the agents' testimony was sufficient to support the district court's factual finding. *See United States v. McCrimmon*, 443 F.3d 454, 457 (5th Cir. 2006).

AFFIRMED.