

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20089
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

EFREN MORENO-CASTILLO

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CR-488-1

October 4, 2000

Before KING, Chief Judge, and JONES and STEWART, Circuit Judges.

PER CURIAM:*

Efren Moreno-Castillo (Moreno) has appealed the sentence which he received upon pleading guilty of possessing cocaine with intent to distribute it. We AFFIRM.

Moreno contends that the district court reversibly erred by denying him sentencing credit for acceptance of responsibility, as provided by U.S.S.G. § 3E1.1. The district court based its ruling on a finding that at his presentence interview, Moreno asserted falsely that he had agreed to sell only two kilograms of cocaine rather than six. The court's finding of Moreno's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

involvement with six kilograms of cocaine is supported by tape recordings of the transaction, as Moreno conceded in his objections to the presentence report. Such misrepresentations disqualify a defendant from receiving credit for acceptance of responsibility. See United States v. Salinas, 122 F.3d 5, 7 (5th Cir. 1997).

AFFIRMED.