

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40234
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUBEN LERMA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-99-CR-335-2

December 12, 2000

Before POLITZ, DAVIS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Ruben Lerma appeals his conviction for the distribution of cocaine, contending that the district court abused its discretion when it permitted a confidential informant to testify about buying drugs from him in the future. Our review of the record persuades that the purported error was harmless because more than adequate other evidence established Lerma's guilt.¹ As to the claimed sentencing error, Lerma contends that the district court erred when it assigned him a leadership role and increased his base offense level under U.S.S.G. § 3B1.1(c). We find this assignment of error to be without merit. The evidence of record adequately supports a finding that Lerma possessed decision making power, participated extensively in the crime, and exercised control and authority over his coconspirators.²

The judgment of the district court is therefore AFFIRMED.

¹United States v. Phillips, 219 F.3d 404 (5th Cir. 2000).

²United States v. Thomas, 120 F.3d 564 (5th Cir. 1997).