

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-10968  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICTOR PRUNEDA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:00-CR-239-5-A  
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February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Victor Pruneda appeals his sentence for distribution of marijuana and for using a communications facility to commit a controlled substance offense. 21 U.S.C. §§ 841(a)(1), 843(b). He argues that the district court clearly erred in finding that he occupied an aggravating role in the offense warranting a two-level increase in his offense level pursuant to U.S.S.G. § 3B1.1(c).

The record contains sufficient reliable evidence supporting the district court's finding that Pruneda occupied an aggravating

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

role in the offense. See United States v. Powell, 124 F.3d 655, 667 (5th Cir. 1997). Accordingly, his sentence is AFFIRMED.