

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-40763  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO LEMUS, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-00-CR-1246-1  
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May 9, 2002

Before REAVLEY, HIGGINBOTHAM and WIENER, Circuit Judges.

PER CURIAM:\*

Francisco Lemus, Jr., challenges the sentence he received following his guilty-plea conviction for possession with the intent to distribute 536 pounds, gross weight, of marijuana, in violation of 21 U.S.C. § 841(b)(1)(B). He argues that the district court erred in determining that he had not given truthful information to the Government and thus in denying him a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

reduction of sentence under the "safety-valve" provision,  
U.S.S.G. § 5C1.2 and 18 U.S.C. § 3553(f).

The district court's independent determination that Lemus' story was implausible and therefore not truthful is supported by the record and is thus not clearly erroneous. See United States v. Flanagan, 80 F.3d 143, 145 (5th Cir. 1996).

AFFIRMED.