

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-41193  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ISMAEL PERALES-GARZA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-00-CR-313-1  
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September 17, 2002

Before REAVLEY, BARKSDALE and CLEMENT, Circuit Judges.

PER CURIAM:\*

Ismael Perales-Garza ("Perales") appeals his sentence following his guilty-plea conviction for possession with intent to distribute 47.44 kilograms of cocaine. Perales argues that the district court erred in denying application of the safety-valve provided in U.S.S.G. § 5C1.2 because he timely provided to the Government truthful information concerning the offense.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Factual findings made by the district court in connection with its U.S.S.G. § 5C1.2 analysis are reviewed for clear error. United States v. Wilson, 105 F.3d 219, 222 (5th Cir. 1997). Here, the district court's determination that Perales was not truthful is supported by the record, which establishes that Perales did not satisfy his "burden of ensuring that he has provided all the information and evidence regarding the offense to the Government." United States v. Flanagan, 80 F.3d 143, 146-47 (5th Cir. 1996). Therefore, the district court did not err in finding that Perales had not satisfied the requirements of U.S.S.G. § 5C1.2(5).

Perales' sentence is AFFIRMED.