

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41339
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOSE SALVADOR MALDONADO

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-01-CR-153-1

May 28, 2002

Before KING, Chief Judge, and HIGGINBOTHAM and BENAVIDES, Circuit
Judge.

PER CURIAM:*

Jose Salvado Maldonado appeals his sentence from his guilty-
plea conviction for possession with intent to distribute
approximately 193 kilograms of marijuana. He argues that the
district court erred in not applying the "safety valve" provision
provided in U.S.S.G. § 5C1.2 because he provided to the
Government all information and evidence he had concerning his
offense.

* 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that this opinion should not be published and is not precedent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.

The district court shall sentence a defendant according to the applicable guidelines, rather than the statutory minimum sentence if, among other things, the defendant truthfully provided the Government with "all information and evidence the defendant has concerning the offense[.]" U.S.S.G. § 5C1.2(5). A district court's refusal to apply the "safety valve" provision is a factual finding reviewed for clear error. United States v. Edwards, 65 F.3d 430, 433 (5th Cir. 1995). We perceive no such error here. Accordingly, the judgment is AFFIRMED.