

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-50924  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALFONSO PINEDA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-01-CR-780-ALL-IL  
- - - - -

April 8, 2002

Before DAVIS, BENAVIDES and CLEMENT, Circuit Judges

PER CURIAM:\*

Alfonso Pineda ("Pineda"), whose real name is Blas Martinez-Briones, appeals from his guilty-plea conviction for importing 100 kilograms or more of a substance containing a detectable amount of marijuana. He argues that the Government breached its promise in the plea agreement not to oppose a reduction for acceptance of responsibility. Although this issue is normally reviewed de novo, because Pineda failed to object on this basis

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

at sentencing, we review this issue only for plain error. See United States v. Reeves, 255 F.3d 208, 210 (5th Cir. 2001).

The prosecutor's comments challenged by Pineda did not explicitly oppose the imposition of a reduction for acceptance of responsibility. Pineda has failed to show that such comments constituted plain error. See United States v. Olano, 507 U.S. 725, 732 (1993). Accordingly, the district court's judgment is AFFIRMED.