

February 13, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-40298  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE LUIS JACOBO-FLORES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-02-CR-842-3  
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Before DUHÉ, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:<sup>1</sup>

Jose Luis Jacobo-Flores appeals from his guilty-plea conviction for conspiracy to possess with intent to distribute over 100 kilograms of marijuana. He argues that the district court erred by failing to award him an adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1. The district court's denial of an adjustment for acceptance of responsibility permissibly relied upon the probation officer's finding that

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<sup>1</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Jacobo-Flores made false statements regarding his level of involvement in the offense of conviction. See United States v. Shipley, 963 F.2d 56, 59 (5th Cir. 1992). Jacobo-Flores has failed to show that the district court's denial of an adjustment for acceptance of responsibility was without foundation. See United States v. Solis, 299 F.3d 420, 458 (5th Cir. 2002).

Accordingly, the district court's judgment is AFFIRMED.