

FILED

June 22, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-41108
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EFRAIN MENDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-03-CR-58-1

Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Efrain Mendez appeals his sentence following a guilty plea to possession with intent to distribute cocaine. 21 U.S.C. §§ 841(a)(1), (b)(1)(A). Mendez challenges the district court's finding that he did not meet the requirement of the "safety valve" provision, U.S.S.G. § 5C1.2(a)(5), that he truthfully provide the Government with all information and evidence he had concerning the offense. The district court did not err in finding that Mendez did not meet the safety valve criteria in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S.S.G. § 5C1.2 as would qualify him for a two-level downward adjustment pursuant to U.S.S.G. § 2D1.1(b)(6). See United States v. Lopez, 264 F.3d 527, 529-30 (5th Cir. 2001); United States v. Flanagan, 80 F.3d 143, 145-47 (5th Cir. 1996).

AFFIRMED.