

April 24, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-10868
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NOE BECERRA, JR., also known as Noe Becerra,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:06-CR-26-ALL

Before REAVLEY, WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Noe Becerra, Jr., appeals the sentence imposed following his guilty-plea conviction of possessing with the intent to distribute marijuana. He argues that he accepted responsibility for his offense and challenges the district court's decision to deny him a three-point downward adjustment in his base offense level pursuant to U.S.S.G. § 3E1.1(a) and (b).

Becerra failed to truthfully admit all of the conduct comprising his offense of conviction when he refused to reveal the source of the marijuana he possessed. See United States v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Tellez, 882 F.2d 141, 143 (5th Cir. 1989). In addition, Becerra acted in a manner inconsistent with an acceptance of responsibility by refusing to discuss his offense or relevant conduct with the probation officer who prepared his presentence report. See United States v. Nevarez-Arreola, 885 F.2d 243, 245-46 (5th Cir. 1989). The district court's decision to deny the adjustment was not without foundation. See United States v. Hooten, 933 F.2d 293, 297-98 (5th Cir. 1991). The judgment of the district court is AFFIRMED.