

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-9003
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BENJAMIN RICHARDSON, a/k/a
Ben Richardson, a/k/a
Ben Richerson,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
2:90 CR 00009 (01)

July 19, 1993

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Appellant Benjamin Richardson, sentenced to 27 months for interstate transportation of stolen property in connection with a fraudulent scheme, raises only two issues on appeal of his sentence. We find no merit and affirm.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Richardson contests the district court's failure to grant a two-level reduction for acceptance of responsibility and a two-level increase for obstruction of justice. Both of these offense level adjustments depended on the district court's evaluation of Richardson's credibility. This court has held that credibility determinations relative to sentencing "are peculiarly within the province of the trier-of-fact." United States v. Sarasti, 869 F.2d 805, 807 (5th Cir. 1989). A review of the PSR and sentencing hearing do not persuade us that the district court clearly erred in its apparent determination not to credit Richardson's self-serving testimony and to make these adjustments.

The sentence imposed by the district court is AFFIRMED.