

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11167
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT RHOADES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
(USDC No. 4:95-CR-042-Y-06)
- - - - -

October 9, 1996

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

Robert Rhoades appeals the sentence imposed following his guilty-plea conviction for possession with intent to distribute more than 50 kilograms of marijuana. Rhoades argues that the district court clearly erred in finding that he was the organizer/leader of criminal activity involving five or more participants and in increasing his offense level under § 3B1.1 of the U.S. Sentencing Guidelines. The facts presented in the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Presentence Report and the testimony presented at the sentencing hearing establish that Rhoades obtained the marijuana sources, negotiated the transactions, and arranged for and hired people to assist in transporting the marijuana. The evidence also established that at least five people participated in the criminal activity. Based on the facts presented in the PSR and the evidence presented at the sentencing hearing, the district court's finding that Rhoades was an organizer/leader of criminal activity involving at least five persons under § 3B1.1(a) was not clearly erroneous. See United States v. Musquiz, 45 F.3d 927, 932-33 (5th Cir.), cert. denied, 116 S. Ct. 54 (1995).

AFFIRMED.