

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20392
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EULALIO MARTINEZ,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
(CR-94-H-0268)

February 1, 1996
Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Eulalio Martinez appeals his conviction and sentence for possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). He argues that the district court erred in denying his motion to suppress evidence seized from a truck he was driving and in denying him a Sentencing Guidelines offense level reduction for acceptance of responsibility. We affirm both the conviction and sentence for the following reasons:

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

1. The district court correctly denied Martinez's motion to suppress complaining of the search of the pickup truck. Martinez abandoned the truck and had no reasonable expectation of privacy with respect to such automobile. See United States v. Barlow, 17 F.3d 85, 88 (5th Cir. 1994); United States v. Edwards, 441 F.2d 749, 751 (5th Cir. 1971).

2. Martinez has failed to demonstrate that the district court clearly erred in denying his request for a reduction based on his acceptance of responsibility. Martinez did not plead guilty and failed to cooperate with the probation officer with respect to his involvement in the offense. Moreover, the complete information he contends was provided to the Government was the same information that he challenged at the suppression hearing.