

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40498
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

RODOLFO SALDIVAR-GUTIERREZ,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-95-CR-11
- - - - -

March 1, 1996

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

PER CURIAM:*

Appellant appeals from his guilty plea conviction and sentence for conspiracy to possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 18 U.S.C. § 2. He contends that the district court erred in declining to depart below the statutory mandatory minimum sentence under U.S.S.G. § 5C1.2.

We have reviewed the record and the district court's oral ruling and find no reversible error. Accordingly, we affirm on the reasoning of the district court.

AFFIRMED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.