

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10268
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS HERNANDEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:95-CR-102-Y
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jesus Hernandez appeals the 87-month sentence imposed by the district court following the acceptance of his guilty plea for possession with intent to distribute methamphetamine. Hernandez argues that the district court clearly erred in not finding that he was a minor participant in the drug conspiracy and reducing his offense level accordingly under § 3B1.2 of the U.S. Sentencing Guidelines. Because Hernandez was responsible for a

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

large quantity of methamphetamine, 1.8 kilograms, seized from his residence, and because he was held responsible for only the amount of drugs that he actually possessed, § 3B1.2 does not require a reduction in his base offense level even though his activity in the overall drug conspiracy may have been minor.

United States v. Atanda, 60 F.3d 196, 199 (5th Cir. 1995); United States v. Lampkins, 47 F.3d 175, 180-81 (7th Cir.), cert. denied, 115 S. Ct. 1440 (1995).

AFFIRMED.