

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11051
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERTO MARTINEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CR-117-R
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Appellant Roberto Martinez appeals his sentence for conspiracy to distribute methamphetamine. He argues that the district court erred: 1) in refusing to give him a 3-point adjustment for acceptance of responsibility; 2) in calculating the amount of drugs, because it impermissibly included quantities of drugs not specified in the count of conviction; and 3) in giving him a four-level enhancement for being a leader in the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

conspiracy because there was inadequate evidence to support such.

The Government's motion to dismiss the appeal because Martinez waived his right to appeal on the grounds raised is GRANTED. See United States v. Portillo, 18 F.3d 290, 292-93 (5th Cir. 1994).

MOTION GRANTED; APPEAL DISMISSED.