

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20316
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROGELIO FIGUEROA-MONTOYA,
also known as Victor M. Martinez,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-94-CR-144-7
- - - - -

April 15, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The defendant appeals his sentence for possession of cocaine with intent to distribute. He argues that his sentence is excessive because there is "no evidence" that he possessed at least two kilograms of cocaine and that the district court erred by failing to reduce his offense level on the ground that he was a minor participant in the offense. We have reviewed the record

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and the briefs of the parties and hold that district court did not clearly err in determining that the offense involved at least two kilograms of cocaine and that the defendant was not entitled to be sentenced as a minor participant. United States v. Edwards, 65 F.3d 430, 432 (5th Cir. 1995); United States v. Atanda, 60 F.3d 196, 199 (5th Cir. 1995).

AFFIRMED.