

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20829  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS ROJO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR H-90-240-3  
- - - - -

August 14, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Jesus Rojo contends that the district court erred by determining that he had an aggravating role in the offense and by increasing his offense level. We review a district court's determination that a defendant had an aggravating role in an offense for clear error. See United States v. Palomo, 998 F.2d 253, 257 (5th Cir. 1993).

Rojo did not present sufficient rebuttal evidence to refute the information in the presentence report (PSR). United States

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. Vital, 68 F.3d 114, 120 (5th Cir. 1995) (If the defendant does not submit affidavits or other evidence to rebut the information in the PSR, the district court may "adopt [the PSR] without further inquiry or explanation."). The district court did not clearly err by enhancing Rojo's sentence based on his role in the offense.

AFFIRMED.