

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40033  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE MARIO BALLESTEROS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-95-CR-102-1  
- - - - -  
February 18, 1997

Before DAVIS, EMILIO M. GARZA, and STEWART, Circuit Judges.

PER CURIAM:\*

Jose Mario Ballesteros appeals his guilty-plea conviction and sentence for possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841. He argues that the district court erred in refusing to order that his sentence run concurrently to an undischarged term of imprisonment under U.S.S.G. § 5G1.3(b).

The district court did not err in refusing to order that Ballesteros' sentence run concurrently to his undischarged term

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

of imprisonment. See United States v. Wittie, 25 F.3d 250, 260 (5th Cir. 1994), aff'd, 115 S. Ct. 2199 (1995).

AFFIRMED.