

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40373  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

UBALDO SUAREZ, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-95-CR-168-1  
- - - - -

August 18, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Ubaldo Suarez, Jr., appeals his sentence from his guilty-plea conviction for conspiracy to possess with the intent to distribute over 1000 kilograms of marijuana.

Suarez argues that the district court erred by adjusting the offense level by two pursuant to U.S.S.G. § 2D1.1(b)(1) and by refusing to apply the "safety valve" provision, § 5C1.2. We have carefully reviewed the record and the appellate arguments. We

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conclude, for essentially the same reasons that the district court explained in making its findings of fact, that the court did not clearly err in its determinations. See United States v. Ramos, 71 F.3d 1150, 1157 n.26 (5th Cir. 1995), cert. denied, 116 S. Ct. 1864 (1996); United States v. Edwards, 65 F.3d 430, 433 (5th Cir. 1995).

AFFIRMED.