

**UNITED STATES COURT OF APPEALS  
For the Fifth Circuit**

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No. 96-40869  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

ARTHUR TYRONE BALTHAZAR,

Defendant-Appellant.

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Appeal from the United States District Court  
For the Eastern District of Texas

(1:96-CR-3-2)

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March 25, 1997

Before WISDOM, KING, and SMITH, Circuit Judges.

PER CURIAM:\*

Arthur Tyrone Balthazar appeals his conviction and sentence for possession of cocaine base with intent to distribute in violation of 18 U.S.C. § 841(a)(1). Having reviewed the

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

arguments and the record, we find no clear error. We affirm.

The district court did not clearly err in refusing Balthazar's request for an offense level reduction for being a "minor" or "minimal" participant. See U.S. SENTENCING GUIDELINES MANUAL § 3B1.2; United States v. Atanda, 60 F.3d 196, 198-99 (5th Cir. 1995).

The court also properly applied the "career offender" guideline to Balthazar because he had two prior felony convictions that fell within that guideline. See U.S. SENTENCING GUIDELINES MANUAL § 4B1.1; 4A1.2 (1996); United States v. Garcia, 962 F.2d 479, 482 (5th Cir. 1992).

**AFFIRMED.**