

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20136
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONACIANO ROJAS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CR-152-1
- - - - -

April 14, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Donaciano Rojas appeals from his sentence following his guilty plea to one count of conspiracy to possess with intent to distribute cocaine, and three counts of possession with intent to distribute cocaine. Rojas argues that the district court erred in: 1) pronouncing an oral sentence that varied from the written judgment; 2) imposing a sentence enhancement, pursuant to U.S. Sentencing Guidelines § 3B1.1(a), for Rojas' role as a leader or organizer of a criminal activity involving five or more participants; and, 3) calculating his base offense level. In

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

addition, Rojas contends that the Government breached an agreement with him by failing to request a downward departure from the district court.

We have reviewed the record and find no error. Accordingly, the sentence imposed by the district court is AFFIRMED.