

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40192  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELVIA GUERRA-REGALADO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-96-CR-248-5  
- - - - -

December 31, 1997

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Elvia Guerra-Regalado appeals her sentence for conspiracy to possess with intent to distribute marijuana pursuant to 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(C). She argues that the district court determined that she had used a minor in the commission of this offense by erroneously adopting the facts as stated in the Presentence Investigation Report (PSR) and failing to resolve factual issues.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court did not err as to Guerra-Regalado's use of a minor in the commission of this offense. See United States v. Angulo, 927 F.2d 202, 204-05 (5th Cir. 1991). The district court did not fail to resolve a factual dispute as required by Fed. R. Crim. P. 32(c)(1). See United States v. Ramirez, 963 F.2d 693, 706 (5th Cir. 1992). The evidence the district court relied upon bore indicia of reliability sufficient to support its probable accuracy. See United States v. Davis, 76 F.3d 82, 84 (5th Cir. 1996).

AFFIRMED