

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40598
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS EDUARDO MAGNUSON-SALINAS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-96-CR-225-1
- - - - -

July 17, 1998

Before JOLLY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:*

Jesus Eduardo Magnuson-Salinas (Magnuson) appeals from his conviction and sentence for conspiracy to possess with intent to distribute in excess of 50 kilograms of marijuana, in violation of 21 U.S.C. §§ 841 and 846. He argues that the evidence was not sufficient to support the jury's verdict of guilty and that the district court erred by increasing his offense level by two levels based on his leadership role in the crime. Our review of the record and the arguments and authorities convinces us that no

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

reversible error was committed. The evidence was not insufficient. See United States v. Polk, 56 F.3d 613, 619 (5th Cir. 1995). The district court did not clearly err by adjusting Magnuson's offense level upward based on his leadership role in the offense. See United States v. Sherbak, 950 F.2d 1095, 1099-1100 (5th Cir. 1992).

AFFIRMED.