

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 98-10755
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TRACEY GARRETT,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CR-373-2-H

April 15, 1999

Before POLITZ, BARKSDALE and STEWART, Circuit Judges.

PER CURIAM:*

Tracey Garrett appeals his conviction and sentence following a jury trial for conspiracy to distribute more than fifty grams of cocaine base, distribution of cocaine base within 1000 feet of a school, and aiding and abetting. Garrett argues that the evidence is insufficient; the district court's drug-quantity determination is clearly erroneous; and the enhancement in his offense level for obstruction of justice under U.S.S.G. § 3C1.1 is clearly erroneous. Garrett has not demonstrated plain error with respect to his convictions on counts one and three. United States v. McCarty, 36 F.3d 1349, 1358 (5th Cir. 1994). The district court's determination of the quantity of drugs

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

attributable to Garrett for sentencing purposes is not clearly erroneous. See United States v. Alford, 142 F.3d 825, 831 (5th Cir.), cert. denied, 119 S. Ct. 514 (1998). The district court's finding that Garrett obstructed justice under § 3C1.1 is not clearly erroneous. United States v. Storm, 36 F.3d 1289, 1295 (5th Cir. 1994).

AFFIRMED.