

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

m 98-41442

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

VICTOR HUGO CORTEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(B-98-CR-272-1)

August 30, 2000

Before SMITH and DENNIS, Circuit
Judges, and HARMON, District Judge.*

PER CURIAM:**

Victor Cortez appeals the sentence imposed
following his plea of guilty of possession with

* District Judge of the Southern District of
Texas, sitting by designation.

** 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determined that this opinion should not be
published and is not precedent except under the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.

intent to distribute marihuana. We have
examined the briefs and pertinent portions of
the record and have heard the arguments of
counsel. We find no reversible error in the
sentence that was imposed.

Specifically, there was no error in including
earlier marihuana offenses as relevant conduct.
The court properly enhanced the sentence be-
cause of Cortez's role as a leader, organizer,
or manager. The court did not err in refusing
a downward adjustment for acceptance of
responsibility.

AFFIRMED.