

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-21132
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILFREDO CRESPIN-PALACIOS,
also known as Wilfredo C. Palacios,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CR-388-1

June 16, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:*

Wilfredo Crespin-Palacios ("Crespin-Palacios") appeals the sentence following his guilty-plea conviction for illegal reentry into the United States, 8 U.S.C. § 1326(a) and (b). He argues that the district court erred when it refused to depart downward from the guideline range, pursuant to U.S.S.G. § 5K2.0, because it mistakenly believed that it was without authority to do so. We have found nothing in the record indicating that the district court held such an erroneous belief. See United States

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. Valencia-Gonzales, 172 F.3d 344, 346 (5th Cir.), cert. denied,
120 S. Ct. 222 (1999).

AFFIRMED.