

March 28, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 05-40566
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN ANTONIO GONGORA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:04-CR-1747-ALL

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Juan Antonio Gongora pleaded guilty to possession with intent to distribute in excess of five kilograms of cocaine. He now appeals the district court's denial of a "safety valve" reduction pursuant to 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2.

The district court concluded that Gongora did not truthfully provide all information to the Government, as required for the application of the safety valve. The court found that Gongora's contention that he did not know the name of his employer was not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

credible. In light of the record as a whole, and in accordance with the deference due the district court's fact-finding, we find no clear error in the district court's determination. See United States v. Miller, 179 F.3d 961, 963-64 (5th Cir. 1999).

Accordingly, the judgment of the district court is AFFIRMED.