

December 12, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41590
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE RICARDO CORONA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:05-CR-199-ALL

Before KING, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Jose Ricardo Corona appeals the 37-month sentence imposed following his guilty-plea conviction for possession with intent to distribute in excess of 100 kilograms of marihuana. Corona argues for the first time on appeal that the district court erred by denying him a downward adjustment under the safety-valve provision in 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2.

The safety valve allows for sentencing below the statutory mandatory minimum sentence when certain conditions are met. Because the district court applied the safety valve and sentenced

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Corona below the five-year statutory mandatory minimum sentence in 21 U.S.C. § 841(b)(1)(B), we affirm the district court's judgment.

AFFIRMED.