

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10173
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AURLIANO CARDENAS,
also known as Aureliano Cardenas,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:97-CR-112-9-A
- - - - -

October 21, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Aurliano Cardenas, also known as Aureliano Cardenas, appeals from his sentence following conviction for possession with intent to distribute cocaine. Cardenas argues that the district court erred in applying a two-level upward adjustment to his offense level, pursuant to U.S.S.G. § 3B1.1(c). A determination that a defendant is an organizer under § 3B1.1 is a finding of fact, which is reviewed for clear error. See United States v. Giraldo, 111 F.3d 21, 23 (5th Cir. 1997). Factual findings are 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

clearly erroneous if plausible in light of the record as a whole.

See id.

Examination of the evidence contained in the record indicates that the district court did not clearly err in applying the two-level organizer adjustment to Cardenas, pursuant to § 3B1.1(c). Accordingly, the district court's judgment is AFFIRMED.