

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30905
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DENAUD EGANA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 98-CR-53-ALL-G
- - - - -

February 11, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

Denaud Egana was convicted for possessing and passing counterfeit obligations has appealed the sentence imposed by the district court. Egana contends that the district court erred in increasing his offense level for obstruction of justice. The district court's determination that a defendant has obstructed justice is reviewed for clear error. United States v. Bethley, 973 F.2d 396, 402 (5th Cir. 1992).

The district court is required to increase a defendant's

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

offense level by two levels "if the defendant willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice during the investigation, prosecution, or sentencing of the instant offense." U.S.S.G. § 3C1.1.

Although some of Egana's actions which form the basis for the district court's ruling arguably were contemporaneous with his arrest, see § 3C1.1, comment. (n.3(d)), we hold that the district court did not clearly err in concluding that Egana's other actions constituted obstruction of justice. See Bethley, 973 F.2d at 402. The judgment is

AFFIRMED.