

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40577
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GUADALUPE VELASQUEZ-MAZARIEGOS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 3:97-CR-9-1
- - - - -

February 10, 1999

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

PER CURIAM:**

Guadalupe Velasquez-Mazariegos appeals his sentence following conviction for transporting illegal aliens. He argues that the district court erred in assessing a three-point enhancement under U.S.S.G. § 2L1.1(b)(5) for a substantial risk of injury to another.

We have reviewed the record and the briefs of the parties and conclude that the district court did not clearly err in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

applying this guideline. The evidence was sufficient to find that the defendant transported twenty-one aliens in the back of a rental truck without padding or restraints and that this transportation endangered the safety and lives of these individuals. The judgment of the district court is AFFIRMED.