

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10340
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EPIFANIO BENITEZ, also known as Epi,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(97-CR-408-16)

December 9, 1999

Before POLITZ, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Epifanio Benitez appeals his jury-trial conviction for use of a telephone to facilitate a drug-trafficking offense in violation of 21 U.S.C. § 843(b). He avers that the district court erred in denying his motion to dismiss the indictment on speedy-trial grounds. We have reviewed the record and the briefs on appeal and hold that the district court did not err in denying the motion to dismiss. United States v. Bermea, 30 F.3d 1539, 1566 (5th Cir. 1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Benitez also argues that the district court erred in holding him accountable for 300 pounds of marijuana. We find that the district court's drug-quantity calculation was not clearly erroneous. United States v. Alford, 142 F.3d 825, 831 (5th Cir.), cert. denied, 119 S. Ct. 514 (1998).

AFFIRMED.