

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40493
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELISEO ADAMES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CR-328-1

February 17, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Eliseo Adames appeals his sentence of 120 months' after pleading guilty to possession with intent to distribute 11 kilograms of cocaine. Adames argues that the district court clearly erred in failing to apply the safety-valve provision of U.S.S.G. § 5C1.2 because the evidence clearly showed that he had provided all information and evidence he had concerning the offense.

Section 5C1.2(2) provides that a defendant is only eligible for the safety-valve if he did not possess a firearm or other

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

dangerous weapon in connection with the offense. When Adames was stopped while driving a vehicle in which he was transporting 11 kilograms of cocaine, he had a knife in his belt which the police officer confiscated. Even assuming that Adames is correct that the district court erred in its assessment of his credibility in providing information to the Government, Adames was ineligible for the reduction by virtue of his possession of a dangerous weapon under § 5C1.2(2). There was no clear error. United States v. Wilson, 105 F.3d 219, 222 (5th Cir.), cert. denied, 522 U.S. 847 (1997).

AFFIRMED.