

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4898

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RAUL DOMINGUEZ,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-98-191)

Submitted: July 30, 1999

Decided: August 17, 1999

Before ERVIN, WILKINS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bryan Emery Gates, Jr., Winston-Salem, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, Arnold L. Husser, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Raul Dominguez was convicted following a jury trial of conspiracy to distribute marijuana in violation of 21 U.S.C. § 846 (1994) (Count I), and possession with intent to distribute marijuana in violation of 21 U.S.C. § 841 (1994) (Count V). Dominguez was sentenced to seventy-eight months' imprisonment and sixty months' imprisonment respectively, to be served concurrently, five years' supervised release on Count I to be served concurrently to three years' supervised release on Count V, and a \$200 special assessment. Finding no error, we affirm.

On appeal, Dominguez contends that the district court erred in not awarding a reduction in his base offense level for acceptance of responsibility under U.S. Sentencing Guidelines Manual § 3E1.1 (1997). We find that the district court's denial of the reduction for acceptance of responsibility was not clearly erroneous. See United States v. Castner, 50 F.3d 1267, 1279-80 (4th Cir. 1995).

Accordingly, we affirm Dominguez's sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

AFFIRMED