

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4045

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE OLIVER VIANDS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Jackson L. Kiser, Senior District Judge. (CR-97-80)

Submitted: August 24, 1999

Decided: September 21, 1999

Before HAMILTON and NIEMEYER, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Roland M.L. Santos, Harrisonburg, Virginia, for Appellant. Robert P. Crouch, Jr., United States Attorney, Nancy S. Healey, Assistant United States Attorney, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wayne Oliver Viands pled guilty to conspiracy to distribute methamphetamine. On appeal, Viands alleges that the district court erred by finding that he was the leader or organizer of the drug conspiracy. Thus, he contends that his sentence was improperly enhanced four levels under U.S. Sentencing Guidelines Manual ("USSG") § 3B1.1(a) (1998).

We do not find that the district court clearly erred in applying the enhancement. See United States v. Perkins, 108 F.3d 512, 518 (4th Cir. 1997). The evidence reveals that Viands headed a drug conspiracy of greater than five persons, recruited his son into the enterprise, and essentially oversaw the acquisition, cutting, and distribution of the drugs, and collection of money from sales. See United States v. Harris, 39 F.3d 1262, 1270-71 (4th Cir. 1994); USSG § 3B1.1, comment. (nn.2, 6). Accordingly, we affirm Viands' 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 the decisional process.

AFFIRMED