

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-4261**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RUBEN IBARRA,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-98-114)

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Submitted: December 29, 1999

Decided: January 13, 2000

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Before WIDENER and WILLIAMS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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David B. Smith, Greensboro, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, Clifton T. Barrett, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ruben Ibarra appeals the sentence imposed as a result of his conviction after a jury trial for his role in a conspiracy to possess with intent to distribute marijuana. See 21 U.S.C. § 846 (1994). Ibarra's only assignment of error on appeal is his challenge to the calculation of his Total Offense Level under the Sentencing Guidelines. Ibarra claims that the district court erred in applying a four-level enhancement for his leadership role in the conspiracy. See USSG § 3B1.1(a). Our review of the record and presentence report reveals evidence sufficient to support the enhancement. Consequently, we can detect no clear error on the part of the district court. See United States v. Perkins, 108 F.3d 512, 518 (4th Cir. 1997).

Accordingly, we affirm Ibarra's conviction and 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