

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

OCTAVIO VALDERAMA-CANO, a/k/a  
Valderama,

*Defendant-Appellant.*

No. 99-4487

Appeal from the United States District Court  
for the Western District of North Carolina, at Statesville.  
Richard L. Voorhees, District Judge.  
(CR-98-66-V)

Submitted: August 12, 2002

Decided: September 20, 2002

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Kenneth B. Darty, Statesville, North Carolina, for Appellant. Mark T. Calloway, United States Attorney, Gretchen C. F. Shappert, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Octavio Valderama-Cano appeals from a sentence of seventy-two months imprisonment following his guilty plea to conspiracy to possess with the intent to distribute marijuana, in violation of 21 U.S.C. § 846 (2000). In Valderama-Cano's presentence report, the probation officer recommended that the offense level be increased three levels pursuant to *U.S. Sentencing Guidelines Manual* § 3B1.1(b) (1998) because Valderama-Cano was a manager or supervisor of a conspiracy involving five or more persons. Valderama-Cano claims that the district court did not make findings of fact to support the court's conclusion that he was a manager or supervisor of the conspiracy, and that the evidence was insufficient to support such an enhancement.

An enhancement under the guidelines must be supported by a preponderance of the evidence. *United States v. Urrego-Linares*, 879 F.2d 1234, 1238-39 (4th Cir. 1989). We grant substantial deference to the district court's factual findings that a defendant was a manager or supervisor of a conspiracy involving five or more persons and reverse the district court's decision only if it was clearly erroneous. *United States v. Smith*, 914 F.2d 565, 569 (4th Cir. 1990).

After careful review of the record, we find that the evidence introduced at the sentencing hearing was sufficient to support Valderama-Cano's enhancement. Further, we find the record demonstrates that the district court made sufficient findings to support its decision.

Accordingly, we affirm Valderama-Cano'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*