

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CIAM SINON, a/k/a Harvey Kenyatta
Simons,

Defendant-Appellant.

No. 00-4586

Appeal from the United States District Court
for the Southern District of West Virginia, at Huntington.
Robert C. Chambers, District Judge.
(CR-00-00044-3)

Submitted: January 10, 2001

Decided: January 23, 2001

Before MOTZ and TRAXLER, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

J. C. Powell, POWELL LAW OFFICES, Charleston, West Virginia,
for Appellant. Rebecca A. Betts, United States Attorney, John C. Parr,
Assistant United States Attorney, Charleston, West Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Harvey Kenyatta Simons appeals his 168-month sentence for conspiracy to possess with intent to distribute cocaine base. He alleges on appeal that he should have received a reduction under the Sentencing Guidelines for acceptance of responsibility and should not have received an enhancement for obstruction of justice. For the reasons that follow, we affirm.

Using a false name, Simons pled guilty, testified to the grand jury, and lied to the probation officer regarding his background. Under these circumstances we do not find that the district court clearly erred in applying the appropriate Guideline provisions. First, notwithstanding his guilty plea, Simons failed to accept responsibility for his crime by lying about his identity. *United States v. Nale*, 101 F.3d 1000, 1005 (4th Cir. 1996); *U.S. Sentencing Guidelines Manual* ("USSG") § 3E1.1 comment. (n.3) (a defendant who enters a guilty plea is not entitled to an adjustment as a matter of right). Second, Simons' deceitful conduct may also form the basis for an obstruction of justice enhancement. *United States v. Saintil*, 910 F.2d 1231, 1232 (4th Cir. 1990); USSG § 3C1.1 & comment. (n.4(f), (g)).

Accordingly, we affirm Simons' 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