

United States Court of Appeals
Fifth Circuit

FILED

February 9, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40416
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARIA MALDONADO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-02-CR-310-1

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Maria Maldonado was convicted of violating 21 U.S.C. §§ 841(a)(1) & (b)(1)(A) and 18 U.S.C. § 2 after a border search revealed cocaine hidden on her person. Appealing her sentence, Maldonado argues that the district court's determination that her testimony was not credible, and hence that she did not merit relief under U.S.S.G. § 5C1.2, was not supported by evidence in the record. Because the district court identified several

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 03-40416

-2-

specific suspicious elements of Maldonado's account that she was not able to satisfactorily render clear, the district court's factual finding that Maldonado had not been sufficiently truthful "is plausible in light of the record as a whole". See United States v. Edwards, 65 F.3d 430, 432 (5th Cir. 1995); United States v. Flanagan, 80 F.3d 143, 145 (5th Cir. 1996). The ruling of the district court is AFFIRMED.