

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 11-15293
Non-Argument Calendar

D. C. Docket No. 8:11-cr-00107-RAL-AEP-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HECTOR CUELI,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(December 31, 2012)

Before TJOFLAT, KRAVITCH, and EDMONDSON, Circuit Judges.

PER CURIAM:

Hector Cueli appeals his conviction and sentence for manufacturing and

possessing with the intent to distribute 100 or more marijuana plants: 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vii).

Briefly stated, the case presents these issues:

- (1) Whether the district court erred in denying Cueli's motion to suppress evidence based on its finding that Cueli gave valid consent to detectives to enter his home; and
- (2) Whether the district court erred in denying Cueli the benefit of the "safety valve" provision based on its finding that Cueli was not truthful during sentencing.

In the light of the record evidence (including Cueli's own testimony), Cueli voluntarily consented to the search of his home. Therefore, the district court did not err in denying Cueli's motion to suppress the evidence obtained from the search. The district court also did not err in denying Cueli safety-valve relief based on its finding that Cueli was not sufficiently truthful and complete -- for example, about the involvement of others and about the plan for distribution -- in providing information concerning his offense.

AFFIRMED.