

United States Court of Appeals
Fifth Circuit

FILED

May 23, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41076
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SIDNEY WADE LITTLE,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:04-CR-127-1

Before JOLLY, DAVIS and OWEN, Circuit Judges.

PER CURIAM:*

Sidney Wade Little appeals from his sentence following his guilty-plea conviction for knowingly and intentionally possessing pseudoephedrine with the intent to manufacture methamphetamine. He argues that the district court erred by failing to award him a safety-valve adjustment pursuant to U.S.S.G. § 5C1.2. The district court did not err in determining that § 5C1.2 was not applicable to Little's sentence. See United States v. Villegas, 404 F.3d 355, 359 (5th Cir. 2005).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Little also contends that the district court clearly erred by attributing to him an amount of pseudoephedrine that belonged to his codefendant. The district court's finding that Little and his codefendant were engaged in jointly undertaken criminal activity was not clearly erroneous. See United States v. Ayala, 47 F.3d 688, 690 (5th Cir. 1995). Accordingly, the district court's judgment is affirmed.

AFFIRMED.