

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3628

United States of America,

Appellee,

v.

Adan Lopez,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: June 18, 2004

Filed: June 25, 2004 (Corrected: 7/2/04)

Before MORRIS SHEPPARD ARNOLD, FAGG, and RILEY, Circuit Judges.

PER CURIAM.

Adan Lopez pleaded guilty to possession with intent to distribute fifty grams or more of methamphetamine. The presentence report concluded Lopez would be eligible for “safety valve” relief under U.S.S.G. § 5C1.2, but for his failure to disclose to the government all information he knew about the offense. See id. § 5C1.2(a)(5). Lopez did not object to this conclusion in the presentence report. At sentencing, after defense counsel told the district court* there was no reason the court should not proceed to sentence Lopez, the district court sentenced Lopez at the bottom of the

*The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

applicable sentencing guideline range. Later in the hearing, Lopez raised the issue of a safety valve reduction. Lopez did not explain why he waited until after pronouncement of the sentence before raising the objection. The district court refused to entertain the objection, and completed the sentencing process. Lopez now appeals the district court's refusal to entertain the safety valve issue. Having carefully reviewed the record and the applicable law, we conclude the district court did not abuse its discretion in refusing to entertain Lopez's untimely objection. See United States v. Jones, 70 F.3d 1009, 1010 (8th Cir. 1995) (per curiam).

We thus affirm the district court. See 8th Cir. R. 47 B.
