

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 06-2711

United States of America,

Appellee,

v.

Alfredo Hernandez-Aguilar,

Appellant.

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

[UNPUBLISHED]

Submitted: August 15, 2007

Filed: September 10, 2007

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

In this direct criminal appeal of his 120-month prison sentence for conspiring to distribute methamphetamine, Alfredo Hernandez-Aguilar (Hernandez) argues the district court¹ erred in refusing to grant him a safety-valve reduction under U.S.S.G. § 5C1.2(a).

Upon careful review of the record, we conclude the court did not clearly err in determining Hernandez failed to demonstrate he was qualified for safety-valve relief.

¹The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

See United States v. Soto, 448 F.3d 993, 995 (8th Cir. 2006) (standard of review). The information Hernandez provided during his safety-valve proffer interview regarding the quantity of drugs he had sold, the number of transactions he had with the government's confidential informant, and where he had obtained the drugs, was not consistent with the government's own observations and information. See id. at 996 (upholding denial of safety-valve reduction where defendant's story about his role in offense contradicted interviews of codefendants). Additionally, given the large drug quantities Hernandez was selling, the district court reasonably concluded Hernandez was also being untruthful when he claimed during his proffer interview that he could not identify his supplier. See id. (appellate court generally does not disturb district court's credibility findings).

Accordingly, we affirm.²

²Hernandez has filed a pro se motion in which he refers to two sentencing issues he wishes to raise. It is generally our policy not to consider pro se filings by a party who is represented by counsel, see United States v. Dierling, 131 F.3d 722, 734 n.7 (8th Cir. 1997), and in any event the arguments fail. Accordingly, we deny the motion.