
No. 96-1357SD

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the District
v.	*	of South Dakota.
	*	
Robbie Lee Mason,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: July 11, 1996

Filed: July 18, 1996

Before FAGG, LAY, and HEANEY, Circuit Judges.

PER CURIAM.

Robbie Lee Mason appeals his drug-related guidelines sentence. Mason contends the district court improperly enhanced Mason's sentence because he was a manager or supervisor of a criminal activity that involved five or more participants. See U.S.S.G. § 3B1.1(b). We disagree. Having reviewed the record, we conclude the district court's decision about Mason's role in the offense is not clearly erroneous. Mason also contends the district court improperly refused to depart downward from the guidelines because his criminal history category significantly overrepresents the seriousness of Mason's criminal history. See U.S.S.G. § 4A1.3. Again, we disagree. The district court's refusal to depart downward is not reviewable on appeal. We thus affirm Mason's sentence. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.