

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

No. 98-3801

United States of America,

Appellee,

v.

Kenyan Pitchford, also known as
Leslie Elian McClure,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: October 6, 1999

Filed: October 12, 1999

Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Kenyan Pitchford pleaded guilty to one count of possessing cocaine base with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A). Over Mr. Pitchford's objection, the district court¹ applied a two-level enhancement for obstruction of justice under U.S. Sentencing Guidelines Manual § 3C1.1 (1997) because Mr. Pitchford had provided a false name and date of birth to the magistrate

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.

judge² at his initial appearance. On appeal, Mr. Pitchford argues that the court erred in applying this enhancement because he corrected the information at his next court appearance and did not hinder the prosecution of his case.

We conclude that the district court did not err in applying the enhancement. See United States v. St. James, 38 F.3d 987, 988 (8th Cir. 1994) (standard of review; enhancement applies to providing materially false information to judge or magistrate, regardless of whether it significantly hinders investigation or prosecution of offense; defendant's identity is material).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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

²The Honorable Jonathan G. Lebedoff, United States Magistrate Judge for the District of Minnesota.