

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40640
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRY WAYNE BRAXTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:99-CR-90-3

February 14, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Terry Wayne Braxton appeals his sentence following his guilty-plea conviction for conspiracy to possess with intent to distribute cocaine base. He contends that the district court erred in relying on the testimony of Nicole McBee with regard to the amount of drugs she purchased from him in arriving at the drug-quantity calculation. Braxton contends that her testimony was uncorroborated and unreliable.

We have reviewed the record and the briefs on appeal and conclude that the district court did not clearly err in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

calculating the quantity of drugs involved for sentencing purposes. United States v. Davis, 76 F.3d 82, 84 (5th Cir. 1996). The district court was free to evaluate McBee's testimony and to make the credibility choice that it did. Id. at 85.

AFFIRMED.