

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-30688  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICKEY J. CLARK,

Defendant-Appellant.

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Appeal from the United States District Court for the  
Eastern District of Louisiana  
(CR-93-315-C)

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November 28, 1995

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

In this direct criminal appeal, Rickey Clark contends that he did not participate in jointly undertaken criminal activity, and accordingly, the district court erred in holding him accountable under U.S.S.G. § 2D1.1(b)(1) for his codefendants' firearms

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

possession. The sentencing court's determination that Clark participated in the jointly undertaken criminal activity was not clearly erroneous. See United States v. Mitchell, 31 F.3d 271, 278 (5th Cir.), cert. denied, \_\_ U.S. \_\_, 115 S.Ct. 455 (1994). Nor did the sentencing court clearly err in refusing to apply U.S.S.G. § 5C1.2 so that Clark could avoid a 60-month mandatory minimum sentence. See United States v. Rodriguez, 60 F.3d 193, 195 n.1 (5th Cir.), petition for cert. filed, (U.S. Oct. 19, 1995) (No. 95-6481).

AFFIRMED.