

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10379
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AARON LYNN McDANIEL,

Defendant-Appellant.

Appeal from the United States District Court for the
Northern District of Texas
(4:95-CR-12-Y-1)

(September 28, 1995)

Before JOLLY, JONES, and STEWART, Circuit Judges.

PER CURIAM:*

On appeal, Lynn McDaniel argues that his two prior convictions should have been treated as related cases and treated as one sentence under U.S.S.G § 4A1.2(a)(2). According to the presentence investigation report, the cases were not consolidated, occurred on different dates, and involved separate offense conduct. The concurrent sentences, however, were handed down on the same day.

*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 Pursuant to that Rule, the court has determined that this opinion should not be published.

In United States v. Garcia, 962 F.2d 479 (5th Cir.), cert. denied, 113 S.Ct. 293 (1992), the court observed that cases need not be considered consolidated because two convictions have concurrent sentences. See also United States v. Ford, 996 F.2d 83, 85-86 (5th Cir. 1993) (finding sentences for four methamphetamine deliveries in six-day period not related under § 4A1.2(a)(2)), cert. denied, 114 S.Ct. 704 (1994). McDaniel's claim that his cases were related because he was given concurrent sentences must fail. He has not shown under this court's precedent that the district court erred by treating each conviction as a separate case for purposes of calculating criminal history points.

The judgment of the district court is

A F F I R M E D.