IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20918
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

A.D. EARNEST, JR.,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
(CR-H-94-121-7)

December 26, 1996

Before GARWOOD, JOLLY and DENNIS, Circuit Judges.*

PER CURIAM:

A.D. Earnest, Jr. appeals his sentence following a guilty plea to aiding and abetting the possession with intent to distribute marijuana. We are precluded from reviewing Earnest's allegations because he has not only failed to comply with this Court's September 3, 1996, order, but he has also failed to supply a

---

*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

necessary part of the record supporting the district court's decision. *See United States v. Narvaez*, 38 F.3d 162 (5th Cir. 1994); *United States v. Hinojosa*, 958 F.2d 624 (5th Cir. 1992). Even with an incomplete record, we conclude that the district court did not clearly err in its calculation of the amount of cocaine and marijuana attributable to Earnest. *See United States v. Davis*, 76 F.3d 82 (5th Cir. 1996); *United States v. Valencia*, 44 F.2d 269 (5th Cir. 1995).

AFFIRMED