

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30441
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NATHAN AXEL MOORE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 94-CR-93
- - - - -

March 1, 1996

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Nathan Axel Moore, a/k/a "Rickey," appeals his sentence for conspiracy to possess with the intent to distribute cocaine and for possession with the intent to distribute cocaine. He argues that the district court erred in calculating his base offense level by attributing to him an additional 680.4 grams of cocaine because the grand jury testimony lacked the requisite indicia of reliability to support sentencing determinations and because this

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

additional quantity concerned drug transactions beyond the time frame of the charged offenses.

In light of Moore's failure to offer evidence to rebut the presentence report (PSR), the district court did not clearly err by adopting the PSR and its addendum as its drug-quantity finding. See United States v. Vital, 68 F.2d 114, 120 (5th Cir. 1995). Nor did plain error occur by the court implicitly finding that the additional 680.4 grams of cocaine were part of Moore's relevant conduct. See id. at 118-19.

AFFIRMED.