

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40357
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PHILLIP CURTIS PATTON,

Defendant-Appellant.

Appeal from the United States District Court for the
Eastern District of Texas
USDC No. 6:94-CR-36-1

February 5, 1996
Before JOLLY, JONES, and STEWART, Circuit Judges.

PER CURIAM:*

The appellant appeals from the district court's sentence for use of an explosive to damage or destroy a building. He argues that the district court should have adjusted his offense level downward for acceptance of responsibility and that the court should not have upwardly departed under the Sentencing Guidelines. We have reviewed the record and the transcript of the sentencing hearing in the district court and find no reversible error.

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Accordingly, we AFFIRM the appellant's sentence for essentially the reasons given by the district court. United States v. Patton, No. 6:94-CR-36-1 (E.D. Tex. June 8, 1995).

A F F I R M E D.