

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40245
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM FARRELL SARGENT,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:95-CR-108
- - - - -

August 30, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

William Farrell Sargent appeals his sentence after his guilty plea to possession with intent to distribute cocaine base. Sargent argues that the district court erred when it denied him a reduction in his offense level for acceptance of responsibility because he used drugs while on release but before pleading guilty

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and when it counted cocaine purchased and used during controlled buys as relevant conduct. We have reviewed the record and the briefs of the parties and hold that the court's refusal to grant a reduction for acceptance of responsibility and its inclusion of the cocaine which was not that for which Sargant was convicted were not clearly erroneous. United States v. Rickett, ___ F.3d ___, 1996 WL 393536 at *3 (5th Cir. July 15, 1996, No. 95-40877); United States v. Lokey, 945 F.2d 825, 839 (5th Cir. 1991).

AFFIRMED.