

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40748
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALLEN RAY CARTER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:95-CR-30-5
- - - - -
February 20, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Allen Ray Carter appeals his sentence for conspiracy to distribute and possess with intent to distribute cocaine base. He argues that the district court erred in attributing to him quantities of cocaine involved in transactions which occurred outside of the time frame alleged in the count of conviction. The district court did not err in calculating the quantity of drugs attributable to Carter for sentencing purposes. See United States v. Mergerson, 4 F.3d 337, 345 (5th Cir. 1993), cert. denied, 510 U.S. 1198 (1994).

AFFIRMED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.