

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50194
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL BATES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-95-CR-232-2
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Michael Bates's unopposed, out-of-time motion to file a reply brief is GRANTED. Bates appeals his sentence for conspiracy to possess with intent to distribute marijuana. He argues that the district court erred in calculating the amount of marijuana attributable to him.

In light of Bates's failure to offer evidence to rebut the presentence report (PSR), the district court did not clearly err

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

by adopting the PSR and its addendum as its drug-quantity finding. See *United States v. Puig-Infante*, 19 F.3d 929, 943 (5th Cir.), cert. denied, 115 S. Ct. 180 (1994).

AFFIRMED.