

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10088
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NELSON JAVIER NEVAREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(4:95-CR-152-Y)

October 2, 1997

Before SMITH, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Nelson Javier Nevarez appeals his conviction and sentence for possession with intent to distribute more than one kilogram of heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). He contends that the district court erred (1) in admitting evidence of extraneous offenses; (2) in admitting the testimony of Fort Worth Police Supervisor H.G. Tebay; (3) in increasing his offense level

* Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

for obstruction of justice; and (4) in finding that he was accountable for 2,761 grams of heroin seized in a prior incident.

We find no error, plain or otherwise. ***United States v. Olano***, 507 U.S. 725, 731-37 (1993). The district court did not err in admitting evidence of extraneous offenses, see ***United States v. Beechum***, 582 F.2d 898, 911 (5th Cir. 1978) (en banc), cert. denied, 440 U.S. 290 (1979); in admitting Tebay's testimony, ***United States v. Moore***, 997 F.2d 55, 57 (5th Cir. 1993); or in its obstruction of justice and drug quantity rulings in sentencing Nevarez, ***United States v. Montano-Silva***, 15 F.3d 52, 53 (5th Cir. 1994); ***United States v. Stewart***, 879 F.2d 1268, 1272 (5th Cir.), cert. denied, 493 U.S. 899 (1989).

AFFIRMED