

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10309
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRY LEE OWENS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:95-CR-172-A
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Terry Lee Owens appeals the calculation of his sentence for distribution of cocaine base. The district court did not plainly err in relying on information in the PSR, which bore sufficient indicia of reliability for use in calculating Owens' sentencing guideline range. See *United States v. Fitzgerald*, 89 F.3d 218, 223 (5th Cir.), cert. denied, 117 S. Ct. 446 (1996); *United States v. Fierro*, 38 F.3d 761, 774 (5th Cir. 1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Owens' ineffective-assistance-of-counsel claim was not raised below, and the record has not been sufficiently developed for evaluation of the merits of the claim. See *United States v. Higdon*, 832 F.2d 312, 313-14. (5th Cir. 1987).

AFFIRMED.