

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40201
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNETH BELL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:96-CR-22-12
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Kenneth Bell pleaded guilty to count 28 of an indictment charging him with possession with intent to distribute and distribution of cocaine base and has appealed his sentence. Bell contends that the district court erred in considering information provided by an unidentified confidential informant in calculating Bell's base offense level when the only corroborating information was supplied by Bell during a confidential debriefing. Bell failed to present any evidence showing that the information used

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to calculate his sentence was untrue, inaccurate, or unreliable. In the absence of such evidence, the presentence report provided a sufficient evidentiary basis for the factual determination, and the district court did not err in accepting the information as true. United States v. Valencia, 44 F.3d 269, 274 (5th Cir. 1995).

AFFIRMED.