

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41183  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER HINES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:97-CR-10-1  
- - - - -

February 9, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.\*  
PER CURIAM:\*\*

Christopher Hines appeals his sentence following his guilty plea to possession with intent to distribute cocaine base. 21 U.S.C. § 841(a)(1). He contends that he should have been awarded a reduction for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1. Hines objected to relevant-conduct findings that he distributed crack cocaine on April 11 and May 15, 1996. Because Hines failed to present rebuttal evidence to support his

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\*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

contention, the sentencing judge was free to adopt the findings in the presentence report without further inquiry. *United States v. Lugman*, 130 F.3d 113, 116 (5th Cir. 1997), *cert. denied*, 118 S. Ct. 1855 (1998). The sentencing judge's denial of the reduction in offense level is not without foundation and thus not error. *United States v. Brace*, 145 F.3d 247, 264 (5th Cir.) (*en banc*), *cert. denied*, 119 S. Ct. 426 (1998).

AFFIRMED.