

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50271
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD EUGENE NICHOLS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-91-CR-451-1
- - - - -

October 22, 1997

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

PER CURIAM:*

Edward Eugene Nichols appeals his resentencing in a guilty-plea conviction for possession in excess of five grams of cocaine base with intent to distribute in violation of 21 U.S.C. § 841(a)(1). He argues that the district court erred in assessing a two-level enhancement to his base offense level under U.S.S.G. § 2D1.1(b)(1) for possession of a firearm in connection with the drug trafficking conviction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and the briefs of the parties and conclude that the two-level enhancement is in accord with this court's recent decisions in United States v. Rodriguez, 114 F.3d 46 (5th Cir. 1997), and United States v. Hernandez, 116 F.3d 725 (5th Cir. 1995). As "it is the firm rule of this circuit that one panel may not overrule the decisions of another," United States v. Ortiz-Granados, 12 F.3d 39, 41 (5th Cir. 1994), the district court did not err in applying the § 2D1.1(b)(1) enhancement. The judgment of the district court is AFFIRMED.