

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-10342  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARCARNLY CROSS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:98-CR-41-1  
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December 15, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Larcarnly Cross appeals the sentence imposed for his guilty plea conviction of distribution of less than 500 grams of cocaine. Cross argues that he is entitled to a two-point reduction in his base offense level for acceptance of responsibility under United States Sentencing Guideline § 3E1.1, despite twice testing positive for cocaine usage while on release pending sentencing.

We will uphold the district court's decision to deny a reduction in offense level for acceptance of responsibility

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

unless it is without foundation. United States v. Brace, 145 F.3d 247, 264 (5th Cir.) (en banc), cert. denied, 119 S. Ct. 426 (1998). The district court's decision not to award the reduction to Cross is not without foundation. See United States v. Watkins, 911 F.2d 983, 985 (5th Cir. 1990). The district court's judgment is AFFIRMED.