

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-11255
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARRELL DEWAYNE MOSLEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:99-CR-52-2-Y

June 14, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:*

Darrell Dewayne Mosley appeals from his conviction by guilty plea of conspiracy to commit bank fraud. Mosley contends that the district court erred by attributing amounts to him that were not reasonably foreseeable and that the district court erred by adjusting his offense level for his role as a leader or organizer.

The attribution of \$295,695.45 to Mosley was not clearly erroneous. *United States v. Sidhu*, 130 F.3d 644, 651 (5th Cir. 1997). The Presentence Report (PSR) indicated that Mosley

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

organized and controlled the operations of the schemes resulting in the losses on which his offense level was based. The district court's finding that Mosley was a leader or an organizer was not clearly erroneous. *United States v. Watson*, 988 F.2d 544, 550 (5th Cir. 1993). The PSR indicated that Mosley hatched and oversaw the extensive scheme that formed the basis of his conviction; that he recruited others to participate; and that at least 19 other people were involved in the scheme.

Mosley's appeal is without arguable merit and is frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). The appeal therefore is dismissed.

APPEAL DISMISSED. 5TH CIR. R. 42.2.