

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40625
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STEVEN PAUL TALMORE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:96-CR-118-1
- - - - -

December 9, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Steven Paul Talmore appeals his sentence after pleading guilty to misprision of a felony, 18 U.S.C. § 4. Talmore argues that the district court erred by denying his objection to the five-level increase for brandishing a firearm because the use of a firearm by Brown was not reasonably foreseeable to him. Based on the facts in the PSR which showed that Talmore was in the vehicle with Brown just before the robbery, which facts the district court found were reliable, and which finding Talmore

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

does not challenge, the district court did not clearly err in finding that it was reasonably foreseeable to Talmore that Brown would brandish a firearm during the robbery. United States v. Burton, 126 F.3d 666, 678-79 (5th Cir. 1997).

AFFIRMED.