

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41176
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN ALLEN WALTER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:97-CR-28-ALL
- - - - -

May 15, 1998

Before WIENER, BARKSDALE and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

John Allen Walter appeals his sentence for bank robbery, assaultive conduct during the robbery, and using or carrying a gun while committing a crime of violence. He argues that he should not have been sentenced as a career offender because his prior convictions for robbery were for robberies which occurred within 19 days of each other and were for the common plan to obtain money for housing. The district court did not err when it

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sentenced Walter as a career offender. See United States v. Garcia, 962 F.2d 479, 481-82 (5th Cir. 1992); U.S. Sentencing Guidelines § 4B1.1.

AFFIRMED.