

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 97-50758
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHNNY RAY LEWIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(MO-96-CR-139-1)

October 6, 1998

Before POLITZ, Chief Judge, DAVIS and JONES, Circuit Judges.

PER CURIAM:*

Johnny Ray Lewis appeals his jury trial convictions for conspiracy to distribute cocaine base and for the distribution thereof. He claims: (1) insufficiency of the evidence of conspiracy; (2) abuse of discretion in admitting Fed.R.Evid. 404(b) evidence of other acts; (3) error in determining drug quantity for sentencing purposes; and (4) “sentencing entrapment.”

Our review of the record and briefs persuades that the conviction for

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conspiracy to distribute cocaine base was not a manifest miscarriage of justice,¹ there was no abuse of discretion in the admission of the Rule 404(b) evidence,² and no clear error in the determination of the relevant quantity of drugs for sentencing purposes.³ Finally, assuming without deciding that sentencing entrapment is a viable proposition in this circuit, Lewis has not demonstrated that he was induced by the government to deal in greater amounts of the contraband than that to which he was disposed in order to increase his sentence exposure.⁴

The convictions and sentences are AFFIRMED.

¹ **United States v. Laury**, 49 F.3d 145 (5th Cir. 1995); **United States v. Inocencio**, 40 F.3d 716 (5th Cir. 1994).

² **United States v. Bentley-Smith**, 2 F.3d 1368 (5th Cir. 1993).

³ **United States v. Vine**, 62 F.3d 107 (5th Cir. 1995).

⁴ **United States v. Washington**, 44 F.3d 1271 (5th Cir. 1995).