

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40432
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STEPHEN MARK SCHEXNAYDER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CR-47-1
- - - - -

June 16, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Stephen Mark Schexnayder appeals the sentence following his conviction for possession with the intent to distribute marijuana. He argues that the district court erred by denying him a sentence reduction for acceptance of responsibility.

Schexnayder violated the terms of his pretrial release by testing positive for marijuana use and by failing to attend drug

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

counseling. Under such circumstances, it was not clear error for

the district court to deny the acceptance-of-responsibility adjustment. See United States v. Flucas, 99 F.3d 177, 180 (5th Cir. 1996).

AFFIRMED.