

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40590  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL GUY JACKSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:97-CR-121-1

- - - - -  
December 10, 1998

Before DAVIS, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

Michael Guy Jackson has appealed the sentence imposed following entry of his guilty plea to count 1 of an indictment charging him with possession of cocaine base with intent to distribute. Jackson contends that his conduct in attempting to elude arresting officers during a high-speed chase does not merit a two-level increase in offense level for reckless endangerment. By adopting the presentence report, the district court found that Jackson had knowingly created a risk that pedestrians, other motorists, or the pursuing police officers would suffer death or

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

serious bodily injury as a result of the high-speed chase and that Jackson's disregard of that risk had constituted a gross deviation from the conduct of a reasonable person under those circumstances. See U.S.S.G. §§ 2A1.4, comment. (n.1) & 3C1.2, comment. (n.2). Although Jackson argues that the facts in United States v. Reyna, 130 F.3d 104, 112 (5th Cir. 1997), cert. denied, 118 S. Ct. 1328 (1998), were more egregious, the district court's fact findings in this case were not clearly erroneous.

AFFIRMED.