

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 98-50412

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

LELAND AL CRAIG,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(A-97-CR-191-ALL)

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July 21, 1999

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

PER CURIAM:\*

Leland Al Craig appeals his sentence following his conviction for attempted bank burglary under 18 U.S.C. § 2113. He argues that the district court improperly departed upward under U.S.S.G. § 5K2.6 based on the crime involving a financial institution and under U.S.S.G. § 5K2.6 for his possession of a loaded Norinco, SKS model, 7.62X3.9mm semiautomatic rifle. Craig also contends that he received insufficient notice of the potential basis for departure under § 5K2.6.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

After considering the briefs, the record excerpts, and counsels' argument, Craig's sentence is AFFIRMED because he did not raise these objections before the district court and has not shown that the district court committed plain error by departing upward five levels based on the aforementioned grounds. See **United States v. Alford**, 142 F.3d 825, 830 (5th Cir. 1998).

**AFFIRMED.**