

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-60325  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MELVIN FORD,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 1:97-CR-4-ALL  
- - - - -

June 15, 1999

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

PER CURIAM:\*

Melvin Ford appeals from his sentence following his guilty-plea convictions for violations of the Clean Water Act, 33 U.S.C. § 1319(c)(1)(A). Ford argues that the district court erred by failing to conduct an evidentiary hearing on his objections to the PSR and that the court improperly based his sentence upon charges in the indictment that had been dismissed. We have reviewed the record and find no reversible error. Because Ford

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

did not offer any rebuttal evidence to refute the facts contained

in the PSR, the district court was free to adopt those findings without further inquiry. See United States v. Angulo, 927 F.2d 202, 204-05 (5th Cir. 1991). Further, Ford has not shown that the district court increased his sentence in any way based upon the dismissed felony counts in the indictment. Accordingly, the judgment of the district court is AFFIRMED.

AFFIRMED.