

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30287
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

THU NGOC NGUYEN, also known as Teo,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 98-CR-147-ALL-G
- - - - -

April 11, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Thu Ngoc Nguyen appeals his jury-verdict conviction for conspiracy to possess with intent to distribute cocaine. He argues that he was deprived of a fair trial due to prosecutorial misconduct. Due to his failure to object to the alleged misconduct at trial, we review this issue for plain error. See United States v. Washington, 44 F.3d 1271, 1278 (5th Cir. 1995); see also FED. R. CRIM. P. 52(b). Nguyen has failed to show that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the allegedly improper statements by the prosecutor affected his substantial rights to the degree cognizable under plain-error review.

Nguyen also contends that the district court clearly erred by adopting the PSR's drug-quantity calculations. The PSR's findings had an adequate evidentiary basis, and Nguyen failed to present relevant evidence to rebut the PSR's drug-quantity calculations. The district court was therefore free to adopt the findings of the PSR without further inquiry. See United States v. Huerta, 182 F.3d 361, 364 (5th Cir. 1999), cert. denied, 2000 WL 220324 (U.S. Feb. 28, 2000)(No. 99-6807).

Accordingly, the district court's judgment is AFFIRMED.