

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40381
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEITH L. BABINO,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:98-CR-73-3

October 19, 1999

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Keith L. Babino appeals his sentence after pleading guilty to possession with intent to distribute cocaine base. Babino argues that the district court clearly erred in increasing his offense level by two points for possession of a weapon pursuant to U.S.S.G. § 2D1.1(b)(1). He contends that it was clearly improbable that the weapons were possessed in connection with drug trafficking because he contends that they were possessed for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

hunting only. He contends that the evidence fell short of establishing that the weapons were connected to drug trafficking.

The district court found that a temporal and spatial relationship existed between the two loaded rifles and the drug-trafficking activity, based on the evidence that the weapons were found loaded near the front door of the mobile home and were observed by the confidential informant when he went to purchase crack cocaine. The district court's finding was not clearly erroneous. United States v. Eastland, 989 F.2d 760, 770 (5th Cir. 1993).

AFFIRMED.