

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40642  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DERRICK DUDLEY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:98-CR-78-1  
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February 17, 2000

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

PER CURIAM:\*

Derrick Dudley pleaded guilty pursuant to a plea agreement to one count of possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1). The district court sentenced Dudley to 60 months' imprisonment and a two-year term of supervised release. Dudley appeals his sentence.

Dudley contends that the district court erred in calculating the amount of drugs attributable to him because the presentence report on which the district court relied did not possess sufficient indicia of reliability. This court reviews a district court's factual findings concerning the quantity of drugs

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

implicated by the crime for clear error. United States v. Davis, 76 F.3d 82, 84 (5th Cir. 1996). Our review of the record reveals no error, clear or otherwise, in the district court's finding that an aggregate quantity of 1254.04 kilograms of marijuana was attributable to Dudley for sentencing purposes.

AFFIRMED.