

FILED

August 17, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-41618
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL MALVEAUX,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:03-CR-86-1

Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:*

Michael Malveaux appeals his guilty-plea conviction and sentence for being a felon in possession of a firearm. Malveaux argues that the district court erred in applying the enhancement provision found in U.S.S.G. § 2K2.1(b)(5) of the Sentencing Guidelines, because there was no evidence that Malveaux possessed a firearm in connection with another felony offense. After a thorough review of the record and the applicable law of this circuit, we hold that the district court did not err, as a matter

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of law, in concluding that the firearm possession was "in connection with" the drug possession. See United States v. Armstead, 114 F.3d 504, 512 (5th Cir. 1997); United States v. Condren, 18 F.3d 1190, 1193, 1199-1200 (5th Cir. 1994).

Accordingly, the district court correctly applied U.S.S.G. § 2K2.1(b)(5), and the judgment of the district court is AFFIRMED.