

December 16, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50014
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANNY RAY BISHOP,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-03-CR-105-1

Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

Danny Ray Bishop appeals the sentence imposed following his jury-trial conviction for manufacturing methamphetamine and for possession of pseudoephedrine with intent to manufacture methamphetamine. He argues that the district court clearly erred by considering empty pseudoephedrine packets in calculating the drug quantity attributable to him under the Sentencing Guidelines. The Presentence Report ("PSR") relied on information that was derived from police reports and later corroborated by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

testimony at the sentencing hearing as to the quantity of empty packaging and as to the likelihood that the contents were used to manufacture methamphetamine. Because Bishop has not shown that the drug-quantity information in the PSR "is materially untrue, inaccurate, or unreliable," he has not shown that the district court clearly erred by adopting it. See United States v. Ayala, 47 F.3d 688, 690 (5th Cir. 1995). The judgment of the district court is AFFIRMED.