

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20068
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JERRY DEVERY PORTER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CR-206-2
- - - - -

October 23, 1996

Before POLITZ, CHIEF JUDGE, and JOLLY and HIGGINBOTHAM, CIRCUIT JUDGES.

PER CURIAM:*

Jerry Porter contends that the district court erred in imposing a \$5,000 fine in connection with his conviction and sentence for armed bank robbery. The district court did not clearly err in finding that Porter had the potential ability to pay the fine in the future and did not abuse its discretion in imposing the fine. United States v. Fair, 979 F.2d 1037, 1040-42 (5th Cir. 1992); United States v. Altamirano, 11 F.3d 52, 53 (5th Cir. 1993).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

No. 95-20388

-2-

AFFIRMED.