

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41093
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROSCOE EDWARDS, III,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-00-CR-150-1

October 26, 2001

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Roscoe Edwards, III, appeals his sentence after pleading guilty to possession with intent to distribute approximately 35 kilograms of marijuana. He argues that the district court erred in denying him a reduction for acceptance of responsibility. He also argues that the standard of review in his case should be less deferential than usual because the district court, in denying his request for an acceptance-of-responsibility reduction, failed to make any credibility determinations in the face of opposing proffers from the parties.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Edwards has not shown that his case warrants an atypical standard of review. Edwards failed to present competent evidence to rebut information in his presentence report (PSR), which indicated that he had tested positive for drug usage on two different occasions while on release pending sentencing. See United States v. Huerta, 182 F.3d 361, 364-65 (5th Cir. 1999). In the absence of proper rebuttal evidence, the district court was free, as it did, to rely on the information in the PSR without further inquiry. See id. at 365. Given the information in the PSR, the district court did not err in denying Edwards a reduction for acceptance of responsibility. See United States v. Watkins, 911 F.2d 983, 984-85 (5th Cir. 1990).

AFFIRMED.