

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

March 27, 2003

Charles R. Fulbruge III
Clerk

No. 02-10912
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROLAND DALE NOE,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:02-CR-16-1-A

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Roland Dale Noe appeals the 235-month sentence imposed following his guilty plea to possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a) & (b).

The district court did not err in applying the preponderance-of-the-evidence standard to a disputed sentencing issue. See United States v. Carreon, 11 F.3d 1225, 1240 (5th Cir. 1994). Noe did not meet his burden of showing that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

information in the presentence report concerning relevant conduct was unreliable. See United States v. Angulo, 927 F.2d 202, 205 (5th Cir. 1991). The district court did not err in determining that methamphetamine sold by Noe in 1995-96 was relevant conduct for sentencing purposes because the record supports a determination that those sales were part of the same course of conduct as the offense of conviction. See United States v. Ocana, 204 F.3d 585, 588-89 (5th Cir. 2000). Finally, the district court's decision that Noe was not entitled to an offense-level reduction for acceptance of responsibility was not without foundation. See United States v. Solis, 299 F.3d 420, 458 (5th Cir. 2002); United States v. Chapa-Garza, 62 F.3d 118, 123 (5th Cir. 1995).

AFFIRMED.