

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40808
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DWIGHT DEON JONES,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CR-108-ALL

February 19, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Dwight Deon Jones appeals the sentence imposed following his conviction for possession with the intent to distribute of cocaine in violation of 21 U.S.C. § 841(a)(1). The career offender provision of the sentencing guidelines was not improperly applied because Jones's December 8, 1989, and July 14, 1990, offenses were separated by his arrest on December 19, 1989. Because these two controlled substance offenses were separated by an arrest, they qualify as distinct prior offenses and so satisfy

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the requirements for application of U.S.S.G. § 4B1.1. United States v. Brewster, 137 F.3d 853, 859 (5th Cir. 1998).

AFFIRMED.