

October 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40998
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONNIES RAY BURNETT,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CR-34-ALL

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Donnies Ray Burnett (Burnett) appeals the sentence imposed following his guilty-plea conviction for distributing crack cocaine within 1000 feet of a school in June 2000. Burnett argues that the district court erred in including as relevant conduct for sentencing purposes his subsequent October 2000 arrest for possession of crack cocaine.

Burnett has not shown that the district court clearly erred in including the October 2000 offense as relevant conduct; 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

offenses were sufficiently connected to warrant a conclusion that they were part of the same course of conduct. See United States v. Ocana, 204 F.3d 585, 589-90 (5th Cir. 2000).

AFFIRMED.