

April 23, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50770
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DENNIS KEITH PADGETT,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-02-CR-44-ALL

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Dennis Keith Padgett appeals his guilty-plea conviction for attempted manufacture of methamphetamine. He challenges the calculation of his offense level.

The district court did not clearly err in determining the quantity of methamphetamine attributable to Padgett. See United States v. Maseratti, 1 F.3d 330, 340 (5th Cir. 1993). The amount was based on information contained in the presentence report and on the evidence presented to the court at sentencing. After

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

reviewing all of the evidence, the district court conservatively estimated the amount of methamphetamine at 447 grams. This calculation was well within the amounts estimated by both law enforcement and Padgett's own testimony. Accordingly, the judgment of the district court is AFFIRMED.