

April 21, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20351
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILBURN RICHARD HOLLANDER,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-02-CR-333-1

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Wilburn Richard Hollander appeals from the sentence imposed pursuant to his guilty-plea conviction for receiving or possessing firearms that were not registered to him in the National Firearms Registration and Transfer Record. He argues that the district court erred by denying application of an adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1. This court "will affirm a sentencing court's decision not to award a reduction under U.S.S.G. § 3E1.1 unless it is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

without foundation." United States v. Solis, 299 F.3d 420, 458 (5th Cir. 2002)(internal quotations marks and footnote omitted).

Hollander's contention that the Government's evidence produced at sentencing was incredible lacks merit. As there was an evidentiary foundation for the district court's denial of an adjustment for acceptance of responsibility, the district court's judgment is AFFIRMED.