

June 21, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40917
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CEDRIC DWAYNE MASON,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:03-CR-38-1-RC-WCR

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Cedric Dwayne Mason appeals the sentence imposed following his conviction for possession with intent to distribute cocaine base. He contends that he should have received a reduction in his offense level for acceptance of responsibility, even though he was arrested for similar conduct while on bail for the instant offense. He also failed to comply with other terms of pretrial release, and he had to be arrested to compel his presence at pretrial proceedings.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mason did not carry his burden of showing that the district court committed clear error by refusing to reduce his sentence for acceptance of responsibility. See United States v. Flucas, 99 F.3d 177, 180 (5th Cir. 1996). The judgment of the district court is AFFIRMED.