

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20737
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FORTUNATUS BOMA WILCOX,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-95-0091
- - - - -

June 26, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Fortunatus Boma Wilcox appeals from his sentence following his convictions for one count of conspiracy to commit interstate transportation of stolen property, four counts of interstate transportation of stolen property and aiding and abetting, and one count of possession of stolen mail and aiding and abetting. Wilcox argues that the district court erred by refusing to grant

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

him a three-level reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1 and that the Government breached the plea agreement by releasing information that Wilcox was cooperating with the Government. Based upon the testimony presented at the sentencing hearing, we conclude that the district court did not clearly err by refusing to grant Wilcox a reduction for acceptance of responsibility. Further, Wilcox's guilty plea was not entered pursuant to the terms of a plea agreement; rather, Wilcox pleaded guilty after the initial plea agreement between Wilcox and the Government had been withdrawn. Accordingly, the judgment of the district court is AFFIRMED.

AFFIRMED.