

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30404
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARK ANTHONY SIMMONS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CR-94-115-R
- - - - -

June 27, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Mark Anthony Simmons appeals his sentence for conspiracy to distribute cocaine, use of facilities in interstate commerce to carry on his cocaine business, and attempted money laundering. He objects to the amount of cocaine attributed to him by the district court and also contests the court's refusal to grant a three-level decrease in his offense level for acceptance of responsibility.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Our review of the record and the arguments and authorities convinces us that no reversible error was committed. The district court's finding that at least 50 kilograms of cocaine were attributable to Simmons was based on "reasonably reliable" evidence. See United States v. Davis, 76 F.3d 82, 84 (5th Cir. 1996). The district court's mischaracterization of Simmons' letter notwithstanding, his "effort to minimize the extent to which he was involved in the drug trade," is inconsistent with acceptance of responsibility. See United States v. Vital, 68 F.3d 114, 120-21 (5th Cir. 1995).

AFFIRMED.