

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40614
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BILLY DON BULLARD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CR-56
- - - - -

June 27, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Billy Don Bullard appeals his sentence for distributing a listed precursor chemical in violation of 21 U.S.C. § 841(d)(2). Bullard argues that the district court erred by considering uncharged criminal conduct in determining the relevant quantity of drugs for sentencing purposes; the quantity of drugs is too uncertain to support his sentence; and the district court should have reduced his sentence because he had a minor role in the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

offense. The district court did not err by considering Bullard's uncharged drug-related activities in determining the relevant quantity of drugs, and it did not plainly err in its factual determination of the relevant quantity of drugs. United States v. Moore, 927 F.2d 825, 827 (5th Cir.) (internal quotation and citation omitted), cert. denied, 502 U.S. 871 (1991); United States v. Rodriguez, 15 F.3d 408, 414-15 (5th Cir. 1994).

Bullard is not entitled to appellate relief because the district court declined to reduce his offense level based on his role in the offense. United States v. Edwards, 65 F.3d 430, 434 (5th Cir. 1995).

AFFIRMED.