

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50930
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANGEL DANIEL RIOS,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
USDC No. W-95-CR-50

September 27, 1996

Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

A jury convicted Angel Daniel Rios of possession of a controlled substance with intent to distribute and money laundering and the district court sentenced him to concurrent seventy-month terms of imprisonment followed by concurrent three-year terms of supervised release and a \$5,000 fine as to each count. Rios, who

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

did not move for judgment of acquittal at the close of the evidence, argues that the evidence is insufficient to support the controlled substance conviction and that the district court clearly erred in determining the relevant quantity of drugs for sentencing purposes. We have reviewed the record and the briefs of the parties and hold that the record is not devoid of evidence to support Rios' conviction for possession of a controlled substance with intent to distribute and the district court did not clearly in accepting the probation officer's determination that Rios distributed at least 678.49 grams of cocaine. United States v. Thomas, 12 F.3d 1350, 1358 (5th Cir.), cert. denied, 114 S.Ct. 1861, 2119 (1994); United States v. Vital, 68 F.3d 114, 120 (5th Cir. 1995).

A F F I R M E D.