

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60348
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TOMMY HARRIS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:94CR106-S
- - - - -

March 1, 1996

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Tommy Harris appeals his sentence, arguing that it was "excessive, unfair, and plainly unreasonable" for the district court to depart upwardly from the recommended guideline range based on his prior criminal record, when that criminal record was used to 1) determine the crime itself, possession of a firearm by a convicted felon, 2) establish his base offense level under U.S.S.G. § 2K2.1(a), and 3) calculate his criminal history category under § 4A1.1. Harris's argument is unavailing. 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* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Sentencing Guidelines permit consideration of Harris's prior felony convictions in calculating both his offense level and criminal history category. See United States v. Hawkins, 69 F.3d 11, 13-15 (5th Cir. 1995), petition for cert. filed, (U.S. Jan. 30, 1996) (No. 95-7703). The district court's decision to impose a sentence in excess of the recommended guideline range was warranted based on Harris's egregious criminal history. See United States v. Laury, 985 F.2d 1293, 1310-11 (5th Cir. 1993).

AFFIRMED.