

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30221
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHOLA M. MCCARTHY,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96-CR-50033
- - - - -

August 14, 1997

Before WISDOM, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:*

Shola M. McCarthy pleaded guilty to an indictment charging him with bank robbery and with use of a firearm during a crime of violence and has appealed his sentence. McCarthy contends that his offense level was improperly raised under U.S.S.G. § 2B3.1(b)(4)(B) because he did not "physically restrain" a victim during the commission of the crime. The disposition of this appeal is controlled by this court's opinion in United States v. Keeton, No. 94-10640 (5th Cir. May 16, 1995), slip op. at 7 (unpublished), in which the court held that the district court had properly raised the defendant's offense level under

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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similar facts.

AFFIRMED.