

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41070
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK DEAN COOKS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CR-15-1
- - - - -

February 10, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Patrick Dean Cooks appeals his conviction and sentence for possession with intent to distribute cocaine base, in violation of 21 U.S.C. § 841. He argues that the district court erred in holding him accountable, for purposes of sentencing, for the entire amount of cocaine base found in the vehicle in which he was traveling. The district court did not clearly err in finding that Cooks was part of a jointly undertaken criminal activity and that the entire amount of cocaine base was foreseeable to him, thus making him accountable for the entire amount. *See United*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States v. Garcia, 86 F.3d 394, 400 (5th Cir. 1996), *cert. denied*, 117 S. Ct. 752 (1997); *United States v. Hernandez-Coronado*, 39 F.3d 573, 574 (5th Cir. 1994).

AFFIRMED.