

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41125  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GREGORY ALLAN HEMBROOK,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:97-CR-29  
- - - - -

June 17, 1998

Before KING, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:\*

Gregory Allan Hembrook appeals his sentence in a guilty-plea conviction for possession of a machinegun, in violation of 18 U.S.C. § 922(o). He argues that the district court erred in assessing a four-point Sentencing Guidelines enhancement to his base offense level under U.S.S.G. § 2K2.1(b)(5) for possession of the machinegun with intent or belief that it would be used in another felony, a burglary.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and the briefs of the parties and conclude that the district court did not err in applying § 2K2.1(b)(5). See United States v. Condren, 18 F.3d 1190, 1197-98 (5th Cir. 1994). The district court was entitled to rely on the recitation of facts in Hembrook's presentence report, to which Hembrook did not object, in finding that Hembrook did intend to use the machinegun during a burglary. See United States v. Davis, 76 F.3d 82, 84 (5th Cir. 1996); U.S.S.G. § 6A1.3. The judgment of the district court is AFFIRMED.