

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41349
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JULIES KEVIN YANCEY,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:97-CR-13-1
- - - - -

January 15, 1999

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Julies Kevin Yancey has appealed the district court's denial of credit on his sentence upon a conviction of possessing a controlled substance, on grounds that he accepted responsibility for the offense. See U.S.S.G. § 3E1.1. The district court held that Yancey was not entitled to the adjustment because he committed unadjudicated drug offenses after he had been arrested for the offense of conviction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Yancey contends that the district court erred by relying on the presentence report (PSR) to establish his culpability relative to the subsequent offenses. We hold that "the district court's reliance on the PSR was not clearly erroneous," because Yancey "failed to present any evidence to support his objection to the court's reliance on the information set forward in the PSR." See United States v. Vital, 68 F.3d 114, 120 (5th Cir. 1995). Accordingly, the district court's judgment is affirmed.

JUDGMENT AFFIRMED.