

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50051
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALLEN E. HORTON, also known as Mickey Horton,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-96-CR-168
- - - - -

February 23, 1998

Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Allen Horton appeals his guilty-plea conviction for possession with intent to distribute cocaine base. Horton has waived his right to appeal his sentence relating to a firearms adjustment. See United States v. Melancon, 972 F.2d 566, 567 (5th Cir. 1992). The district court did not err in failing to sua sponte order a competency hearing. See United States v. Davis, 61 F.3d 291, 303 (5th Cir. 1995).

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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