

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50239
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HILLIARD MCCULLOUGH, III,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-96-CR-49-2
- - - - -

September 24, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Hilliard McCullough, III, appeals the district court's denial of his motion to suppress. He also appeals his sentence. McCullough argues that the unannounced entry of the police into the motel room, without exigent circumstances, violated the Fourth Amendment. There was a reasonable suspicion that knocking and announcing would be futile and allow escape or destruction of evidence. Richards v. Wisconsin, 117 S. Ct. 1416, 1421 (1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

McCullough argues that the district court erred by attributing co-defendant King's drugs to him at sentencing. The district court did not clearly err in finding that McCullough was responsible for King's drugs. United States v. Smith, 13 F.3d 860, 864-65 and n.7 (5th Cir. 1994).

AFFIRMED.