

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50619
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TIMOTHY LORENZO FERGUSON,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
USDC No. W-96-CR-108-1

August 26, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Timothy Lorenzo Ferguson appeals his conviction for distribution of cocaine base and carrying a firearm during a drug offense. The district court did not commit plain error in failing to exclude testimony regarding previous sales of drugs made to Ferguson. See United States v. Olano, 507 U.S. 725, 732-37 (1993); United States v. Wheelwright, 56 F.3d 586 (5th Cir. 1995). The district court record shows that Ferguson agreed to the dismissal of juror Morris. His argument that she was improperly dismissed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

without a hearing has thus been waived and is not reviewable. See
United States v. Calverley, 37 F.3d 160, 162 (5th Cir. 1994) (en
banc).

A F F I R M E D.