

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40543
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEVIN BRIAN FAVORS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CR-295-1
- - - - -

April 15, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:*

Kevin Favors appeals his sentence after pleading guilty to aiding and abetting the distribution of crack cocaine. He argues that the Government failed to prove by a preponderance of the evidence that he possessed the 12.4 grams of crack cocaine that the district court attributed to him as relevant conduct and that the substance was in fact crack cocaine. After reviewing the record and the briefs of the parties, we hold that the district court did not err in attributing the additional 12.4 grams of crack cocaine to Favors as relevant conduct. See United States v. Bryant, 991 F.2d 171, 177 (5th Cir. 1993).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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AFFIRMED.