

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10629
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADRIAN EDMOND DURAND,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:98-CR-226-1

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Adrian Edmond Durand appeals from his sentence for bank robbery. Durand contends solely that the district court misconstrued § 5K2.12 of the Sentencing Guidelines by requiring that an offense be committed as the direct result of coercion or duress instead of as the indirect result to obtain a downward departure.

The district court's comments at the sentencing hearing did not indicate that the district court believed it could not grant Durand's motion. Rather, the district court indicated that it

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

did not believe that Durand acted under duress. We therefore lack jurisdiction to consider Durand's appeal. *United States v. Landerman*, 167 F.3d 895, 899 (5th Cir. 1999).

APPEAL DISMISSED.