

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 5, 2009

Charles R. Fulbruge III
Clerk

No. 08-30527
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MICHAEL TERRANCE PRATHER

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:07-CR-50087-1

Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Michael Terrance Prather pleaded guilty to a single count indictment charging him with being a felon in possession of two Ruger firearms. Prather has appealed his sentence, contending that the district court erred by denying the Government's motion to reduce his offense level by one level pursuant to U.S.S.G. § 3E1.1(b). Prather contends that the district court did not have the discretion to deny the reduction under the circumstances of this case.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Prather's arguments in the district court were not sufficient to put the district court on notice of the basis of the argument he has raised on appeal, our review is for plain error. *See United States v. Duhon*, 541 F.3d 391, 396 (5th Cir. 2008). Although we have concluded that the district court committed a clear or obvious error, *see United States v. Outlaw*, 319 F.3d 701, 705-09 (5th Cir. 2003), *and United States v. Tello*, 9 F.3d 1119, 1123-28 (5th Cir. 1993), and that Prather's substantial rights were affected, *see United States v. Price*, 516 F.3d 285, 289 (5th Cir. 2008), we decline to exercise our discretion to correct the error because the error did not affect the fairness or integrity of the judicial proceedings in light of Prather's obstruction of justice. *See Duhon*, 541 F.3d at 396. The judgment is AFFIRMED.