

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50553
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AARON EUGENE AUBREY,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-99-CR-99-1

March 30, 2001

Before EMILIO M. GARZA, STEWART and PARKER, Circuit Judges.

PER CURIAM:*

Aaron Eugene Aubrey appeals the sentence he received as a result of his guilty-plea conviction for two counts of making false statements, in violation of 18 U.S.C. § 1001; one count of possession of a stolen firearm, in violation of 18 U.S.C. § 922(j); and one count of being an accessory after the fact to a bank robbery, in violation of 18 U.S.C. § 3.

Aubrey argues that he should not have received an increase for obstruction of justice based on an alleged attempt to escape from the jail where he was being held prior to sentencing because

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the district court relied on evidence with insufficient indicia of reliability. Aubrey has not met his burden of demonstrating that the evidence relied upon by the district court to determine that he obstructed justice was materially untrue. See United States v. Slaughter, ___ F.3d ___ (5th Cir. Jan. 12, 2001, No. 99-11142) 2000 WL 1946670 at *5.

Aubrey also argues that the district court erred in denying him credit for acceptance of responsibility because he admitted the conduct alleged in the indictment and his admission was consistent with the information contained in the factual basis. Aubrey has not demonstrated that this is an extraordinary case in which adjustments for both acceptance of responsibility and obstruction of justice may apply. See U.S.S.G. § 3E1.1, comment. (n.4).

AFFIRMED.