

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-11245
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GARY MATHIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:01-CR-56-2-E

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Gary Mathis appeals from his sentence for counterfeiting. He contends that the district court erred by denying him an adjustment for acceptance of responsibility and by adjusting his offense level to 15, pursuant to U.S.S.G. § 2B5.1(b)(2), because the bills he produced were not of sufficient quality to pass in circulation.

Mathis does not dispute that he admitted to the probation officer that he had possessed hallucinogenic mushrooms while he was on release during the proceedings in the district court.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mathis's possession of an illegal controlled substance was sufficient to support finding that he had not refrained from criminal conduct. U.S.S.G. § 3E1.1, comment. (n. 1(b)). The district court's finding that Mathis had not accepted responsibility was not clearly erroneous. *United States v. Watkins*, 911 F.2d 983, 984 (5th Cir. 1990).

The case agent in Mathis's case believed that the counterfeit notes were good enough to pass into circulation. The district court's finding that the notes were good enough to pass therefore was not clearly erroneous. *United States v. Wyjack*, 141 F.3d 181, 183-84 (5th Cir. 1998).

AFFIRMED.