

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-60313  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GREGORY D. TEMPLE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 4:950CR-1-1-LN  
- - - - -

October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Gregory D. Temple, federal prisoner # 04046-043, appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence based on Amendment 599 to U.S.S.G. § 2K2.4 (relating to use of a firearm in relation to a crime of violence). Temple reasons from the text of Amendment 599 that it was an impermissible double counting to increase his base offense level two levels because the offense involved the property of a financial institution when he was convicted of bank robbery.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Amendment 599 to U.S.S.G. § 2K2.4 does not apply to Temple because no specific offense characteristic for possession, brandishing, use, or discharge of a firearm was applied in determining Temple's sentence for bank robbery. Nor was it double counting to increase Temple's base offense level for robbery because the specific offense involved the property of a financial institution. Accordingly, the judgment of the district court is AFFIRMED.