

FILED

June 22, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-11056
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JERRY MICHAEL CHANCE,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:03-CR-146-ALL-A

Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jerry Michael Chance appeals the sentence imposed following his guilty-plea conviction for conspiracy to commit bank fraud and fraud in relation to social security cards in violation of 18 U.S.C. § 371. He argues that the district court erred in determining the loss attributable to him as a result of the conspiracy under U.S.S.G. § 2F1.1. He argues that although he helped his coconspirators to repair their poor credit, he did not participate in or benefit from the purchases the coconspirators made with their new good credit. The losses sustained by the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

creditors who extended credit to Chance's coconspirators were reasonably foreseeable to Chance. See U.S.S.G. § 1B1.3(a)(1) & comment. (n.2). Because Chance did not present any rebuttal evidence at the sentencing hearing demonstrating the information in the Presentence Report (PSR) was untrue, the district court was entitled to adopt the information in the PSR without further inquiry. See United States v. Parker, 133 F.3d 322, 329 (5th Cir. 1998).

AFFIRMED.