

FILED

October 11, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20465
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LESLIE RAY NEWSOME,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CR-208-5

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Leslie Ray Newsome (Newsome) appeals his sentence for possession with the intent to distribute cocaine and cocaine base following the revocation of his supervised release. Newsome argues that at the sentencing following the revocation of his supervised release, the district court expressly directed that his supervised release would be "on the same terms as we had before." Newsome further argues that neither the previous supervision order nor the court's oral pronouncement prohibited him from possessing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

a dangerous weapon. Newsome argues that the condition barring his possession of "any other dangerous weapon" must be stricken from the written judgment because it conflicts with the sentence orally pronounced by the district court.

For the reasons outlined in United States v. Torres-Aguilar, 352 F.3d 934, 937-38 (5th Cir. 2003), we conclude that the district court's omission of the dangerous weapon prohibition during the oral pronouncement of sentence did not create a conflict with the sentence set forth in the judgment.

AFFIRMED.