

September 8, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-30268  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BRANDON LAMON HUNT,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:05-CR-50029  
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Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:\*

Brandon Lamon Hunt appeals his guilty plea conviction for possession of a firearm in furtherance of a drug trafficking crime. He contends that the factual basis was insufficient to support his conviction because it failed to establish that he used the firearm and that he possessed it. Because Hunt did not challenge the sufficiency of the factual basis in the district court, review is for plain error only. United States v. Marek, 238 F.3d 310, 315 (5th Cir. 2001).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Hunt's argument that the Government failed to allege or prove use of the firearm is without merit. The Government was not required to prove that Hunt used the firearm but rather that he possessed the firearm in furtherance of a drug trafficking crime. See United States v. Ceballos-Torres, 218 F.3d 409, 412-13 (5th Cir.), amended on other grounds, 226 F.3d 651 (5th Cir. 2000).

The factual basis provided that an undercover agent observed Hunt with the firearm during a purchase of narcotics. The firearm was wedged between the center console and the driver's seat of Hunt's vehicle. The officer had observed Hunt on two prior occasions with the same firearm while he was engaging in distributing narcotics. The firearm was seized from Hunt's vehicle immediately after his arrest. The factual basis was sufficient to support Hunt's guilty plea. Ceballos-Torres, 218 F.3d at 410-15; United States v. Ybarra, 70 F.3d 362, 365 (5th Cir. 1995). Accordingly, Hunt has failed to establish plain error, and the district court's judgment is AFFIRMED.