

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2007

No. 06-51447
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JOEY KENNETH PRIDDY

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:06-CR-172-2

Before JOLLY, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Joey Kenneth Priddy appeals the 46-month sentence he received following his guilty-plea conviction for theft of U.S. property, in violation of 18 U.S.C. § 641; transportation of ammunition by a convicted felon, in violation of 18 U.S.C. § 922(g) (1); and transportation of stolen property through interstate commerce, in violation of 18 U.S.C. § 2314. Priddy argues that the four-level enhancement that he received pursuant to U.S.S.G. § 2K2.1(b)(5) was error because his possession of ammunition was not "in connection with" his other

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

felony offenses as the ammunition was the object of and occurred contemporaneously with the other two offenses to which he pleaded guilty. The Government moves for summary affirmance on the ground that the argument is foreclosed by *United States v. Armstead*, 114 F.3d 504, 511 (5th Cir. 1997). Priddy concedes that his argument is foreclosed by *Armstead* but seeks to preserve the issue for possible Supreme Court review.

The § 2K2.1(b)(5) enhancement was appropriate in the instant case. See *Armstead*, 114 F.3d at 511-13. The Government's motion for summary affirmance is GRANTED, and the district court's judgment is AFFIRMED. The Government's motion for extension of time to file a brief is DENIED.