

United States Court of Appeals
for the Fifth Circuit

No. 23-30233
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DONALD LEONARD POLLARD, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:21-CR-251-1

Before KING, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:*

Donald Leonard Pollard, Jr., pleaded guilty to count 3 of a five-count indictment charging him with distribution of methamphetamine, and he was sentenced to a 300-month term of imprisonment and to a five-year period of supervised release.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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At sentencing, the district court overruled Pollard's objection to consideration of the conduct underlying the dismissed counts 1, 2, 4, and 5 as relevant conduct in determining the drug quantity. Pollard was ultimately sentenced as a career offender under U.S.S.G. § 4B1.1, and he has appealed his sentence.

Pollard contends that the district court erred in its relevant-conduct finding. We have not reached this question because any error was harmless. Pollard's offense level was determined on the basis of his career-offender designation, which did not depend upon the court's relevant conduct finding. *See United States v. Bams*, 858 F.3d 937, 948-49 (5th Cir. 2017). The judgment is AFFIRMED.

The case is REMANDED to the district court for the limited purposed of correcting the judgment to list the correct statute of conviction. *See* FED. R. CRIM. P. 36; *see also* 21 U.S.C. § 841(b)(1)(A)(viii).