

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 91-9577
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

GORDON OLIVER,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
(91-407 "I" (6))

(January 26, 1993)

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Following his guilty plea to possession of stolen property which had crossed state lines, Appellant was sentenced as recommended in the presentence investigation report to which he objected. He repeats his objections on this appeal. We affirm.

Appellant contends that the district court erred in accepting the facts of the presentence report concerning his relevant conduct and his role in the scheme. He argues that (but offers no evidence that) the presentence report was not reliable. He gives no reason

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

why it was unreliable save his own conclusory denial of a single statement concerning his role in the relevant conduct. Presentence reports are considered reliable and may be relied upon by sentencing courts in making factual sentencing determinations. United States v. Lghodaro, 967 F.2d 1028, 1030 (5th Cir. 1992). Relevant conduct may clearly extend beyond the conduct necessary to the offense of conviction. United States v. Mourning, 914 F.2d 699, 706 (5th Cir. 1990). Our examination of the presentence report shows it to be regular on its face, and there is nothing therein to indicate that it is unreliable. Appellant is responsible to show that the information relied upon is unreliable. See, United States v. Vela, 927 F.2d 197, 201 (5th Cir.), cert. denied, 112 S.Ct. 214 (1990). He has not done so.

Appellant's argument that reliance on the presentence report violates his right to confrontation is frivolous. United States v. Rodriguez, 897 F.2d 1324, 1328 (5th Cir.), cert. denied, 111 S.Ct. 158 (1990).

AFFIRMED.