

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 92-2562

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UNITED STATES OF AMERICA,

Plaintiff-Appellant,

VERSUS

NHAN KIEM TRAN,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Southern District of Texas

(CR-H-89-0135-01 & 02)

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(November 16, 1993)

Before JOHNSON, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:

Having reviewed Appellant's petition for rehearing, we are of the opinion that the ground upon which he relies is without merit. United States v. Hoster, 988 F.2d 1374 (5th Cir. 1993) and United States Sentencing Guidelines § 2D1.11 have no application to this case; unlike the district court in Hoster, the district court here never converted the precursor chemical piperonal into anything. The court simply used the receipts for piperonal as reliable evidence of how much MDA was producible from the Trans' conspiracy. The Petition for Rehearing, therefore, is DENIED.