

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5640
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM SAMUEL MCLEAN, JR.,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:93-CR-47.1
- - - - -
(July 22, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

The district court's finding that William Samuel McLean, Jr., did not accept responsibility is entitled to deference that is even greater than that accorded under the "clearly erroneous" standard. United States v. McDonald, 964 F.2d 390, 391 (5th Cir. 1992). McLean bears the burden of clearly demonstrating the recognition and affirmative acceptance of personal responsibility. United States v. Mourning, 914 F.2d 699, 705-06 (5th Cir. 1990); U.S.S.G. § 3E1.1(a). Although adjustments for

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

both obstruction of justice and acceptance of responsibility are permissible in extraordinary cases, see United States v. Paden, 908 F.2d 1229, 1236 (1990), cert. denied, 498 U.S. 1039 (1991) (internal quotation omitted), McLean has not shown that this is an extraordinary case. See United States v. Rodriguez, 942 F.2d 899, 902 (5th Cir. 1991), cert. denied, 112 S.Ct. 990 (1992) (internal quotation omitted); see also United States v. Walker, 960 F.2d 409, 417 (5th Cir.), cert. denied, 113 S.Ct. 443 (1992).

AFFIRMED.