

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-7176  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY CARTER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. CR-J92-00012(b)-1  
- - - - -  
(March 23, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Larry Carter challenges the district court's refusal to grant a decrease in his base offense level for acceptance of responsibility. The Sentencing Guidelines provide that a defendant may receive a two-level decrease in offense level if the defendant "clearly demonstrates acceptance of responsibility for his offense[.]" See U.S.S.G. § 3E1.1(b). The burden was on Carter to show that he was entitled to the reduction for acceptance of responsibility. United States v. Mourning, 914

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

F.2d 699, 705-06 (5th Cir. 1990). This Court reviews a district court's finding on acceptance of responsibility for clear error but under a standard of review even more deferential than a pure "clearly erroneous" standard. United States v. Tello, 9 F.3d 1119, 1122 (5th Cir. 1993) (internal citations and quotations omitted).

Based on the sentencing hearing testimony and the highly deferential standard of review, the district court's finding that Carter knew of the guns' presence was not clearly erroneous.

The judgment of the district court is AFFIRMED.