

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-7562
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

MAX DELEON AUMADA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(CR-C-93-60-1)

(March 29, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:¹

Having been convicted on his guilty plea of a firearms violation, Appellant contends that, for several reasons, the district court erred in assessing against him a fine of \$500 to assist in the repayment of part of the cost of his defense by court-appointed counsel. Appellant did not object to the presentence report which stated that he had no assets and no liabilities and which gave the guideline range for fines, nor did

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Appellant object when the fine was imposed. Absence objection, we review for plain error. United States v. Bullard, ___ F.3d ___, 1994 WL 18032, at *1 (5th Cir. 1994); see also United States v. Garcia-Pillado, 898 F.2d 36, 40 (5th Cir. 1990). Our Court has recently dealt with this precise issue in United States v. Rodriguez, No. 93-7291 (5th Cir., Feb. 18, 1993) and determined that, under these circumstances, we would decline to exercise our discretion to review a challenge to the fine. For the reasons stated in that opinion, we likewise decline to consider the issue here and dismiss the appeal.

Appeal DISMISSED.