IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8317
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ORVILLE LYNN HOLCOMBE,

Defendant-Appellant.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. W-92-CR-102

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(January 6, 1994)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:[*]

Orville Lynn Holcombe challenges his sentence for attempted manufacture of methamphetamine, possession of a machine gun, and possession of an unregistered firearm silencer. Finding no error in the district court's judgment, we AFFIRM.

Holcombe argues that the district court erred in using U.S.S.G. § 2D1.1 instead of § 2D1.11 to determine the base offense level. This issue was not brought before the district court. "[I]ssues raised for the first time on appeal `are not

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

reviewable by this [C]ourt unless they involve purely legal questions and failure to consider them would result in manifest injustice.'" United States v. Garcia-Pillado, 898 F.2d 36, 39 (5th Cir. 1990) (citation omitted). In light of U.S.S.G. § 1B1.2(a)'s direction to use the offense of conviction to determine the guideline for sentencing, of Holcombe's conviction for attempted manufacture of methamphetamine, of this offense's corresponding guideline being § 2D1.1, and of § 2D1.11(c)'s cross-reference to and required application of § 2D1.1, there is no manifest injustice. See United States v. Myers, 993 F.2d 713, 716 (9th Cir. 1993).

Holcombe argues that the district court erred in arriving at the methamphetamine quantity of 27.5 pounds. The district court's factual findings on the quantity of drugs are reviewed for clear error. United States v. Angulo, 927 F.2d 202, 205 (5th Cir. 1991). This Court will affirm the finding if it is plausible in light of the whole record. United States v. Alfaro, 919 F.2d 962, 966 (5th Cir. 1990).

A review of the sentencing hearing convinces us that the district court did not clearly err. See Angulo, 927 F.2d at 205. Moreover, Holcombe's claim that the testifying chemists agreed on a low figure of producible methamphetamine and that this agreement amounted to a "stipulation" between the parties is wholly unpersuasive.

In light of Holcombe's third issue being premised upon this Court finding error in the district court's use of § 2D1.1 or in

the district court's drug-quantity finding, we do not address this issue.

Holcombe argues that the district court erred by failing to reduce the offense level pursuant to U.S.S.G. § 2X1.1(b)(1). This issue was not raised in the district court or in appellant's original brief. "This Court will not consider a new claim raised for the first time in an appellate reply brief." United States v. Prince, 868 F.2d 1379, 1386 (5th Cir.), cert. denied, 493 U.S. 932 (1989).

AFFIRMED.