IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10539
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RACHEL LEE BROWN,

Defendant-Appellant.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:93-CR-402-H
- - - - - - - - - -

March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Rachel Lee Brown pleaded guilty to being a felon in possession of a firearm and was sentenced to 60 months' imprisonment and three years' supervised release. Brown argues for the first time on appeal that the district court could not base its denial of the adjustment for acceptance of responsibility on the fact that she continued to use illegal drugs while on pretrial release. She contends that the 1992 amendment to U.S.S.G. § 3E1.2, which requires a defendant to

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

accept responsibility for her "offense" and not her "criminal conduct," bars consideration of conduct unrelated to the offense of conviction in determining whether the defendant has accepted responsibility for her offense, citing United States v. Morrison, 983 F.2d 730 (6th Cir. 1993).

Brown's argument is without merit, and the district court committed no error. The defendant's failure to withdraw voluntarily from criminal conduct remains an appropriate consideration under the amended guideline's application notes. U.S.S.G. § 3E1.1, comment. (n.1(b)).** Any continued criminal conduct is a sufficient basis for denying a reduction for acceptance of responsibility. See United States v. Watkins, 911 F.2d 983, 985 (5th Cir. 1990). We decline to follow Morrison. This precise issue was decided against Brown in United States v. Portwood, No. 93-1505, slip op. at 3-4 (5th Cir. May 6, 1994).

AFFIRMED.

**The Seventh and Eleventh Circuits have reached the same conclusion. See United States v. McDonald, 22 F.3d 139, 144 (7th Cir. 1994); United States v. Pace, 17 F.3d 341, 343-44 (11th Cir. 1994).