

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10595
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES RICHARD BRYAN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:93-CV-611-K
- - - - -

(January 27, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

In resentencing Bryan, the district court refused to consider Bryan's contention that 1800 grams of the total quantity of drugs used in recalculating his offense level was not amphetamine, but was instead waste product, because on direct appeal this Court had specifically affirmed the district court's use of that figure.

Bryan's sole basis for this appeal is without arguable merit, and his appeal is thus frivolous. Howard v. King, 707

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.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 215, 219-20 (5th Cir. 1983). Because this appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.