

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20891
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNETH COLLINGTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-94-0084-02

May 20, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Kenneth Collington appeals the sentence and fine imposed by the district court after his guilty-plea conviction for possession with intent to distribute cocaine and aiding and abetting the possession with intent to distribute cocaine. He argues for the first time on appeal that the district court erred by fining him \$6,000; however, we find no error, plain or otherwise, in the district

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

court's imposition of the fine. See United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc), cert. denied, 115 S. Ct. 1266 (1995).

Collington also argues that the district court clearly erred by refusing to reduce his sentence below the statutory minimum pursuant to U.S.S.G. § 5C1.2. We have reviewed the record and Collington's brief and AFFIRM the district court's refusal to apply § 5C1.2 for the same reasons advanced by the Government and adopted by the district court at the sentencing hearing. United States v. Collington, No. 94-CR-84-2 (S.D. Tex., Nov. 23, 1994).