

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30695
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHAWN R. SKIPPER,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CR-93-315-G

March 22, 1996

Before HIGGINBOTHAM, DUHE' and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

In this direct criminal appeal, Shawn Skipper contends that he did not participate in jointly undertaken criminal activity, accordingly, the district court erred in holding him accountable under U.S.S.G. § 2D1.1(b)(1) for his co-defendants' firearms possession. The sentencing court's determination that Skipper participated in jointly undertaken criminal activity was not clearly erroneous. See United States v. Mitchell, 31 F.3d 271, 278 (5th Cir.), cert denied, 115 S. Ct. 455 (1994). Furthermore, since Skipper's minimum sentence under the Guidelines was necessarily greater than the statutory minimum sentence, U.S.S.G. § 5C1.2 has no relevance to this case, and the district court properly declined to apply that section.

AFFIRMED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.