

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50502
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JEFFREY D. COOKE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-94-CA-069
- - - - -

(January 26, 1995)

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

PER CURIAM:*

The trial court sentenced Jeffrey Cooke pursuant to U.S.S.G.
§ 2D1.1. This was error. Cooke should have been sentenced
pursuant to § 2D1.11. See United States v. Hoster, 988 F.2d
1374, 1380 (5th Cir. 1993).

VACATED AND REMANDED for resentencing in compliance with
Hoster.

* 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that this opinion should not be published.