

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60138
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID BRAVO-BUSTOS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. 93-CR-135-1
- - - - -
(September 21, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

When a defendant challenges facts stated in the Presentence Report (PSR) without presenting rebuttal evidence, the district court has the discretion to adopt the PSR without further inquiry, if there is an adequate evidentiary basis for the PSR's factual conclusions. United States v. Rogers, 1 F.3d 341, 345 (5th Cir. 1993) (citation omitted). David Bravo-Bustos admitted that he and Brian Heim conspired to ship their loads of marijuana jointly. The district court did not clearly err when it rejected

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Bravo-Bustos' conclusional argument that he was not responsible for the entire load of marijuana. United States v. Mergerson, 4 F.3d 337, 346 (5th Cir. 1993), cert. denied, 114 S. Ct. 1310 (1994).

AFFIRMED.