

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20489  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DOUGLAS PAUL SHELTON,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-H-89-232-22  
- - - - -

March 1, 1996

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Douglas Paul Shelton argues that the district court erred in sentencing him to 20 months' imprisonment because the applicable sentencing range from U.S.S.G. § 7B1.4 was from three to nine months and because the language from the recently enacted 18 U.S.C. § 3553(a)(4)(B) made § 7B1.4 binding upon the court. Chapter 7 of the sentencing guidelines is not binding upon the court's sentencing determination. See United States v. Escamilla, 70 F.3d 835, 835 (5th Cir. 1995).

AFFIRMED.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.