

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30909
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TONY EARNEST WASHINGTON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 94-CR-20059
- - - - -

July 25, 1996

Before KING, JOLLY and PARKER, Circuit Judges.

PER CURIAM:*

Tony Earnest Washington appeals his guilty-plea conviction for possession with intent to distribute cocaine base. He argues that 1) the district court should not have considered his statement to sheriff's deputies at sentencing because the statement was unreliable; 2) the district court failed to comply with Fed. R. Crim. P. 32(c)(1), which requires the district court to rule on any unresolved objections to the presentence report

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and, alternatively, if the district court complied with Rule 32, the presentence report provided insufficient indicia of reliability to support the district court's findings; and 3) the district court should have required a standard of proof of relevant conduct greater than a preponderance of the evidence.

We review for plain error the issues whether Washington's statement to the deputies was unreliable and whether the presentence report provided sufficient indicia of reliability and perceive none. See United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc), cert. denied, 115 S. Ct. 1266 (1995). Washington failed to object on these grounds at sentencing after the district court amended the presentence report and reduced the base offense level. Washington's contention that the district court did not comply with Rule 32 is unsupported by the record. To the extent that the argument concerning the standard of proof required at sentencing was properly raised in the district court, Washington's sentence did not require a higher burden of proof. See United States v. Carreon, 11 F.3d 1225, 1240 (5th Cir. 1994).

AFFIRMED.