

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-31288  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLARENCE ROBINSON, JR.,

Defendant-Appellant.

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Appeal from the United States District Court for the  
Middle District of Louisiana  
(CR-94-26-B-M2)

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September 25, 1996  
Before GARWOOD, JOLLY and DENNIS, Circuit Judges.\*

PER CURIAM:

Clarence Robinson, Jr., appeals his sentence following his jury trial conviction for possession of a firearm by a convicted felon. Robinson argues that the district court denied him due process of law regarding his sentence because the court denied his motion for continuance and his motion for funds to hire an

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\*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

investigator. Robinson also argues that the district court erroneously applied the preponderance of the evidence burden of proof at his sentencing hearing. As the district court did not abuse its discretion in denying Robinson's motions, Robinson was not denied due process of law. See *United States v. Gadison*, 8 F.3d 186, 191 (5th Cir. 1993); *United States v. Correa-Ventura*, 6 F.3d 1070, 1074 (5th Cir. 1993); *United States v. Goodwin*, 770 F.2d 631, 634 (7th Cir. 1985). The district court correctly applied the preponderance of the evidence standard as the appropriate standard of review at Robinson's sentencing. See *United States v. Megerson*, 4 F.3d 337, 343-344 (5th Cir. 1993), *cert. denied*, 114 S.Ct. 1310 (1994).

AFFIRMED