

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10171
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHONNAS EICKE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:94-CR-69-01
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Johonnas J. Eicke argues that his sentence should be reversed because he was not allowed to exercise fully his right of allocution at sentencing. Eicke admits that this issue was not raised before the district court and asserts the plain error standard of review, which we now apply. Based on our review of the record, we hold that the district court did not commit plain error with regard to Eicke's right of allocution at sentencing. Indeed the district court afforded Eicke a lengthy allocution,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

eventually giving him a "three-minute warning" before finally cutting off Eicke's rambling compilation of non sequiturs.

United States v. Olano, 507 U.S. 725 (1993); United States v. Calverley, 37 F.3d 160 (1994) (en banc), cert. denied, 115 S. Ct. 1266 (1995).

AFFIRMED.