

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10661
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PAUL HENRY FELLS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CR-110-A

March 31, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Paul Henry Fells appeals the use of two Arkansas state convictions for possession of marihuana with the intent to deliver to enhance his new sentence on remand for being a felon in possession of a firearm in and affecting interstate commerce. Following a de novo review, we find that the district court correctly enhanced Fells' sentence pursuant to the enhancement

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

provision of 21 § 924(e)(1) and U.S.S.G. § 4B1.4(a). See United States v. Garcia, 962 F.2d 479, 481 (5th Cir. 1992).

Fell's motion for return of property constituting an original exhibit and for substitution of that property with a photocopy is DENIED. This motion is more properly submitted to the district court on the return of the record to that court following the close of this appeal.

AFFIRMED. MOTION DENIED.