

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11487
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHUL HO KIM; SUN HO KIM

Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Texas
(3:96-CR-226-R)

October 6, 1997

Before SMITH, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Chul Ho Kim and Sun Ho Kim appeal their sentences for trafficking in counterfeit goods, in violation of 18 U.S.C. § 2320. They contend that the district court reversibly erred (1) by attributing a \$4.6 million loss to them; (2) by finding that they were leaders or organizers of criminal activity involving more than five people; (3) by denying an adjustment to their offense level

* Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

for acceptance of responsibility; and (4) by imposing \$1 million fines without adequately determining that they were able to pay.

We conclude that attributing the loss to the Kims was not clearly erroneous, *United States v. Hill*, 42 F.3d 914, 919 (5th Cir.), *cert. denied*, 116 S.Ct. 130 (1995); that the findings that they were leaders or organizers of a criminal activity involving five or more participants or was otherwise extensive were neither clearly erroneous as to Chul Ho Kim nor plain error as to Sun Ho Kim, *United States v. Calverley*, 37 F.3d 160, 162 (5th Cir. 1994)(en banc), *cert. denied*, 513 U.S. 1196 (1995); *United States v. Watson*, 988 F.2d 544, 550 (5th Cir. 1993); that the court did not clearly err in denying an adjustment for acceptance of responsibility, *United States v. Spires*, 79 F.3d 464, 467 (5th Cir. 1996); and, finally, that the imposition of the fines was not plain error. *United States v. Leal*, 74 F.3d 600, 608 (5th Cir. 1996). (The Kims' motion to file their reply brief is **GRANTED.**)

AFFIRMED