

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20791
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CALVIN RAY ADAMS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas, Houston
USDC No. CR H-94-282-4
- - - - -

June 12, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Calvin Ray Adams appeals his sentence for conspiracy to possess with the intent to distribute and distribution of crack cocaine. He argues that the district court erred by denying him a third-level reduction for acceptance of responsibility. He also argues that the court erred in calculating his criminal

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

history because a prior probation revocation for which he received two criminal history points was uncounselled.

Any error in the district court's denial of the third-level reduction for acceptance of responsibility was harmless because the court sentenced Adams to the statutory mandatory minimum sentence of 120 months of imprisonment. See United States v. Tello, 9 F.3d 1119, 1129 (5th Cir. 1993). Regarding the criminal history calculation under the guidelines, Adams had no right to challenge collaterally the prior probation revocation and sentence. See U.S.S.G. § 4A1.2, comment (n.6)(Nov. 1995).

AFFIRMED.