

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-30278  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAYTON JAMES PHILLIPS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 95-CR-60033-01  
- - - - -

November 19, 1996

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

PER CURIAM:\*

Clayton James Phillips appeals his convictions for robbing two post offices, using and carrying a firearm, and being a felon in possession of a firearm. He argues that the district court erred when it granted the Government's motion to admit extrinsic evidence of a subsequent post office robbery under Fed. R. Evid. 404(b) and when it denied his motion to suppress an identification of him during a live lineup. We have reviewed the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

record and the briefs of the parties and hold that the district court did not abuse its discretion when it granted the Government's motion to use extrinsic evidence and denied Phillips's motion to suppress evidence for the reasons set forth by the district court in support of its ruling at the suppression hearing. United States v. Phillips, No. 95-CR-60033-01 (W.D. La. Oct. 13, 1995).

AFFIRMED.