

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-30896  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BILL PENCE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 94-CR-50081

- - - - -  
February 20, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:\*

Bill Pence contends that the district court abused its discretion by granting a continuance at sentencing to enable the Government to determine correctly the actual weight of methamphetamine. He contends that he was prejudiced because the total weight provided a lower base offense level.

The district court's decision to grant or deny a motion for a continuance is reviewed for an abuse of discretion. United States v. Correa-Ventura, 6 F.3d 1070, 1074 (5th Cir. 1993). In

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

cases involving substances containing methamphetamine, the base offense level is the greater of the offense levels determined by the actual weight of methamphetamine and the total weight of the substance containing methamphetamine. U.S.S.G. § 2D1.1, comment. (n.(B)).

Pence's offense level was determined accurately and in accordance with the guidelines. Pence has not demonstrated the requisite prejudice. Correa-Ventura, 6 F.3d at 1074. The district court did not abuse its discretion. Pence's sentence is AFFIRMED.