

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10801
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GEORGE ROBINSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(3:97-CR-10-T)

July 7, 1998

Before WIENER, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

In appealing his sentence for bank robbery, George Robinson contends that the district court erred by failing to treat his two prior federal convictions and sentences as "related cases" under U.S.S.G. § 4A1.2 and, therefore, erred by sentencing him as a career offender under U.S.S.G. § 4B1.1.

A defendant is a career offender if, *inter alia*, "the defendant has at least two prior felony convictions of either a

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

crime of violence or a controlled substance offense". U.S.S.G. § 4B1.1. "Prior sentences imposed in unrelated cases are to be counted separately. Prior sentences imposed in related cases are to be treated as one sentence for purposes of [assigning criminal history points]". U.S.S.G. § 4A1.2(a)(2). The conclusion that prior convictions are unrelated is reviewed *de novo*. **United States v. Huskey**, 137 F.3d 283, 285 (5th Cir. 1998).

Robinson has three relevant prior felony convictions: (1) a Texas conviction for aggravated robbery with a deadly weapon; (2) a federal conviction for robbery of a federally insured savings and loan association; and (3) a federal conviction for bank robbery. Robinson does not contend that the state conviction for aggravated robbery with a deadly weapon and the federal conviction for robbery of a federally insured savings and loan association are related. Accordingly, those convictions are counted separately. U.S.S.G. § 4A1.2(a)(2). Because Robinson has two prior felony convictions under U.S.S.G. § 4B1.1, the district court did not err by sentencing him as a career offender. See **Huskey**, 137 F.3d at 285.

AFFIRMED