

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30428
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL JOSEPH NOIL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CR-240-L
- - - - -

October 22, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Michael Joseph Noil appeals his sentence after pleading guilty to bank robbery and illegal use of a firearm in violation of 18 U.S.C. §§ 2113(a) and 924(c)(1). Noil contends that he did not have two prior felony convictions because his prior robbery convictions were related as part of a single common scheme or plan pursuant to U.S.S.G. § 4A1.2, comment.(n.3). We are not persuaded. Noil's prior convictions were not related as part of a single common scheme or plan but were separate and distinct

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

offenses. See United States v. Ford, 996 F.2d 83, 85-86, 88 (5th Cir. 1993)(drug sales occurring within a few days in the same area not related); United States v. Garcia, 962 F.2d 479, 482 (5th Cir. 1992)(same).

AFFIRMED.