

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30737  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BURNELL DAVIS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 96-CR-323-ALL  
- - - - -

April 8, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Burnell Davis appeals from his sentence for being a convicted felon in possession of a firearm. He contends solely that the district court erred by calculating his base offense level as 20 because his previous state-court conviction of simple burglary of an inhabited dwelling was a "crime of violence" for purposes of U.S.S.G. § 2K2.1(a)(4)(A). Davis's contention is frivolous; simple burglary of an inhabited dwelling is a "crime of violence" for guideline purposes. See *United States v.*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

*Claiborne* 132 F.3d 253, 255-56 (5th Cir. 1998); *United States v. Guadardo*, 40 F.3d 102, 103-05 (5th Cir. 1994); § 4B1.2(a)(2).

APPEAL DISMISSED. 5TH CIR. R. 42.2.