

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30799
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AL KING JONES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CR-259-1-E
- - - - -

August 24, 1998

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Al King Jones appeals his sentence following a guilty-plea conviction of attempted possession of and conspiracy to distribute cocaine. Jones contends that the district court erred in calculating his offense level based on a finding that his offense involved five kilograms of cocaine.

The presentence report (PSR) indicated that Jones told an undercover officer that he had money to purchase three kilograms of cocaine and wanted to purchase five kilograms of cocaine if money became available to him. PSR ¶ 12; see U.S.S.G. § 2D1.1,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

comment. (n.12). If the defendant is convicted of conspiring to purchase a controlled substance as part of a "reverse sting," the offense level is determined by "the agreed-upon quantity of the controlled substance" being purchased.)

The defendant bears the burden of demonstrating that information in the PSR is materially untrue, inaccurate or unreliable. United States v. Angulo, 927 F.2d 202, 205 (5th Cir. 1991). Jones presented no evidence to rebut the findings in the PSR. The district court did not clearly err in adopting the findings in the PSR without further inquiry. United States v. Ayala, 47 F.3d 688, 690 (5th Cir. 1995).

AFFIRMED.