

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40552
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEWAYNE GRAYER,

Defendant-Appellant.

Appeal from the United States District Court for the
Eastern District of Texas
USDC No. 6-96-CR-46-1

December 4, 1997
Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

DeWayne Grayer appeals his sentence for possession with intent to distribute and distribution of cocaine base pursuant to 21 U.S.C. § 841(a)(1). He argues that the district court attributed an incorrect quantity of drugs to him by erroneously adopting the facts as stated in the Presentence Investigation Report (PSR) and failing to resolve factual issues. He further argues that the district court erroneously increased his offense level for the possession of a firearm.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court did not err as to the quantity of drugs attributable to Grayer. See United States v. Puig-Infante, 19 F.3d 929, 943 (5th Cir. 1994). The firearms enhancement is similarly not erroneous. See United States v. Mergerson, 4 F.3d 337, 350 (5th Cir. 1993).

A F F I R M E D.