UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 97-40633
Summary Calendar
_____

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CURTIS RAY RAWLS,

Defendant-Appellant.

_____

Appeal from the United States District Court
For the Eastern District of Texas
(1:96-CR-120-10)
_____

December 31, 1997

Before POLITZ, Chief Judge, JOLLY and STEWART, Circuit Judges.

PER CURIAM:[*]

    Curtis Rawls appeals his sentence for possession with intent to distribute cocaine base in violation of 21 U.S.C. § 841(a)(1). He contends that the district court incorrectly classified him as a career offender by erroneously adopting the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Presentence Investigation Report's factual predicate that he previously had twice been convicted of possession of cocaine with the intent to distribute. He further maintains that the district court improperly increased his sentence because the government had failed to notify him that his prior convictions for substance offenses would be a relevant factor in sentencing. Finally, he contends that the district court attributed an incorrect quantity of drugs to him by erroneously considering information he had divulged under an offer of immunity.

The district court did not err in classifying Rawls as a career offender.[1] The government was not required to notify Rawls that his prior convictions might increase his sentence.[2] Whether the district court incorrectly considered incriminating statements Rawls made to the government is moot because Rawls properly was classified as a career offender.[3]

AFFIRMED.

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[1] See **United States v. Calverly**, 37 F.3d 160 (5th Cir. 1994) (en banc); **United States v. Angulo**, 927 F.2d 202 (5th Cir. 1991).

[2] See **United States v. Marshall**, 910 F.2d 1241 (5th Cir. 1990).

[3] See United States Sentencing Guidelines § 4B1.1; see also 21 U.S.C. § 841(b)(1)(C).