

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40972
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONNIE LAVETT JOHNSON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:97-CR-8-1
- - - - -

April 8, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Donnie Lavett Johnson appeals his sentence, contending that the district court erred by increasing his offense level pursuant to U.S.S.G. § 2D1.1(b)(1) for possession of a dangerous weapon in connection with a drug-trafficking offense. Johnson contends that the Government did not establish a sufficient nexus between the weapon and the drugs to warrant the increase.

Because Johnson failed to raise this issue in the district court, we review for plain error only. See United States v. McDowell, 109 F.3d 214, 216 (5th Cir. 1997). The Government

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

established a sufficient temporal and spatial relationship among the weapon, the drug-trafficking activity, and Johnson. The weapon was found in the same general location where the drugs were found. See United States v. Eastland, 989 F.2d 760, 770 (5th Cir. 1993); see United States v. Caicedo, 103 F.3d 410, 412 (5th Cir. 1997). The district court did not err, plainly or otherwise. Johnson's sentence is AFFIRMED.

AFFIRMED.