

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60418

Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

GARY BRIAN LEE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
(1:95-CR-119-D)

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January 14, 1998

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Gary Brian Lee pleaded guilty to manufacturing and possessing marijuana with the intent to distribute and to assaulting and impeding federal officers. He now appeals the district court's judgment of conviction and sentence, arguing that the district court erred in (1) finding that the conviction of possession with intent to distribute involved more than 100

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

marijuana plants and (2) adjusting his base offense level for possession of a firearm pursuant to § 2D1.1 (b)(1) of the Sentencing Guidelines.

A district court's finding regarding the quantity of drugs attributable to a defendant is a factual finding that we review for clear error. United States v. Rogers, 1 F.3d 341, 342 (5th Cir. 1993). We review a sentence imposed under the Sentencing Guidelines to determine if it was imposed in violation of law or as a result of an incorrect application of the guidelines, and we "affirm applications of the guidelines when they are based on factual findings that are not clearly erroneous." United States v. Follin, 979 F.2d 369, 375 (5th Cir. 1992). We have reviewed the record and the briefs on appeal and find no reversible error. We therefore AFFIRM the district court's judgment of conviction and sentence.