

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20275  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SABAZ ALI KHAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-97-141-1  
- - - - -

February 9, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Sabaz Ali Khan appeals his sentence following a jury conviction for conspiracy to possess with intent to distribute heroin, possession with intent to distribute heroin, and bribery of a public official. Sabaz argues that the record lacks evidentiary support for the district court's finding that he was responsible for 3,659.1 grams of heroin.

The trial testimony shows, in April, 1995, Sabaz attempted to sell Agent Kevin Blair a kilogram of heroin, that, in February,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1996, Khan sold Blair heroin obtained from Pakistani sources, and that, in August, 1997, Khan and another co-conspirator were going to bribe a government official with proceeds from the sale of a kilogram of heroin. Accordingly, the district court did not clearly err in finding that Khan's relevant conduct included 3,659.1 grams of heroin. See United States v. Kelley, 140 F.3d 596, 609 (5th Cir.), cert. denied, 119 S.Ct. 247 (1998).

AFFIRMED.