

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40977
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SIDNEY HUNT,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:98-CR-91-1

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Sidney Hunt appeals the sentence imposed following his guilty plea conviction of possession with intent to distribute crack cocaine, in violation of 21 U.S.C. § 841(a)(1). Hunt argues that the district court erred by denying him a three-level downward adjustment in his offense level for acceptance of responsibility. See U.S.S.G. § 3E1.1 (a) & (b). Hunt argues that he is entitled to the adjustment because he took responsibility for his actions by pleading guilty of the offense.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 defendant bears the burden of demonstrating that he is entitled to the offense level reduction. See United States v. Flucas, 99 F.3d 177, 180 (5th Cir. 1996). "The entry of a guilty plea prior to trial is significant evidence of acceptance of responsibility, but does not entitle the defendant to a reduction as a matter of right." United States v. Rickett, 89 F.3d 224, 227 (5th Cir. 1996). In determining whether a defendant has accepted responsibility for his crime, the district court should consider whether the defendant has voluntarily terminated or withdrawn from criminal conduct or associations. See id.; § 3E1.1, comment (n.1(b)).

The district court did not err in determining that Hunt was not entitled to the downward adjustment because he failed to withdraw from criminal conduct while he was on bond pending trial. Hunt admitted to using cocaine, submitted two urine samples which tested positive for cocaine, was arrested for and pleaded guilty of possession of drug paraphernalia, and failed to report his arrest to his pretrial services officer. See Flucas, 99 F.3d at 179-80; Rickett, 89 F.3d at 227.

AFFIRMED.