

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41005
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JEFFERY MCDANIEL,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:00-CR-49-ALL

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jeffery McDaniel appeals his sentence following his guilty plea conviction for being a felon in possession of a firearm. He argues that he was entitled to an acceptance-of-responsibility adjustment to his offense level and that his repeated drug use while on pretrial release was attributable to his being an addict such that it should not have prevented him from being credited with the adjustment.

McDaniel's argument is foreclosed by this court's decisions in United States v. Flucas, 99 F.3d 177, 180 (5th Cir. 1996), and United States v. Rickett, 89 F.3d 224, 227 (5th Cir. 1996).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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AFFIRMED.