

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60655  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT L. HOBSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 3:94-CR-5-1  
- - - - -  
June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Robert L. Hobson pleaded guilty to one count of possession with intent to distribute crack cocaine and one count of using a firearm in relation to his drug trafficking activities. Hobson received the statutory minimum five-year sentence for the possession count. He also received a consecutive five-year sentence for the gun count as mandated by 18 U.S.C. § 924(c). Hobson, nevertheless, asserts that the district court improperly applied the sentencing guidelines to the possession count of his

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

conviction. As Hobson did not object to the district court's application of the guidelines, we review for plain error.

Under Fed. R. Crim. P. 52(b), this court may correct forfeited errors only when: (1) there is an error, (2) that it is clear or obvious, and (3) that affects his substantial rights. United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc), cert. denied, (citing United States v. Olano, 113 S. Ct. 1770, 1776-79 (1993)), cert. denied, 115 S. Ct. 1266 (1995). If these factors are established, the decision to correct the forfeited error is within the sound discretion of the court, and the court will not exercise that discretion unless the error seriously affects the fairness, integrity, or public reputation of judicial proceedings. Olano, 113 S.Ct. at 1778.

Hobson has not shown that the district court committed any error in sentencing him to five years, the statutory minimum, with respect to the count of the superseding indictment charging him with possession with intent to distribute 11.7 grams of crack cocaine. Hobson has failed to demonstrate plain error. Calverley, 37 F.3d at 162.

AFFIRMED.