

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

IVIE COURTS,
Defendant-Appellant.

No. 00-4201

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MORRIS DABBS, a/k/a Ray Dabbs,
Defendant-Appellant.

No. 00-4240

Appeals from the United States District Court
for the Middle District of North Carolina, at Durham.
Frank W. Bullock, Jr., and William L. Osteen, District Judges.
(CR-99-189)

Submitted: November 22, 2000

Decided: January 8, 2001

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Anne R. Littlejohn, Greensboro, North Carolina; Christopher F. Cowan, COWAN, NORTH & LAFRATTA, L.L.P., Richmond, Vir-

ginia, for Appellants. Walter C. Holton, Jr., United States Attorney, Steven H. Levin, Assistant United States Attorney, Andrew Moskowitz, Third-Year Law Student, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

In these consolidated appeals, Ivie Courts and Morris Dabbs appeal their convictions and sentences for conspiracy to distribute cocaine base in violation of 21 U.S.C.A. §§ 841(a)(1), (b)(1)(A), 846 (West 1999). Courts contends that the district court erred by not reducing his offense level for acceptance of responsibility. Dabbs contends that the district court erred by increasing his offense level based upon his role in the conspiracy. Finding no reversible error, we affirm.

A district court's factual determinations at sentencing are reviewed for clear error and legal determinations are reviewed de novo. *See United States v. Blake*, 81 F.3d 498, 503 (4th Cir. 1996). We find that the district court did not err by considering Courts' criminal conduct not related to the offense of conviction in denying a reduction in the offense level for acceptance of responsibility. *See, e.g., United States v. Ceccarani*, 98 F.3d 126, 129-30 (3d Cir. 1996). We further find that the district court did not err by finding by a preponderance of the evidence that Courts did not voluntarily terminate or withdraw from criminal conduct or association. *See U.S. Sentencing Guidelines Manual* § 3E1.1, comment. (n. 1(b), 3) (1998).

We also find that the district court did not err by finding that Dabbs was a manager or supervisor within the conspiracy and the conspiracy had five or more persons or was otherwise extensive. *See USSG* § 3B1.1(b) (1998). There was substantial evidence that Dabbs

instructed other members of the conspiracy and that the conspiracy contained five or more persons.

We affirm the convictions and sentences. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED