

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4946

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JERRELL LEON JOHNSON, a/k/a Jay,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (CR-99-39)

Submitted: April 20, 2000

Decided: May 1, 2000

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lawrence J. Lewis, FLESHER & LEWIS, Huntington, West Virginia, for Appellant. Rebecca A. Betts, United States Attorney, John C. Parr, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jerrell Leon Johnson appeals from the 120-month sentence imposed following his guilty plea to conspiracy to distribute and possess with intent to distribute crack cocaine, 21 U.S.C. § 846 (1994). Johnson claims that the district court erred by taking into account his sister's grand jury testimony in determining his relevant conduct. We have reviewed the briefs and the record and find that the district court did not clearly err by attributing to him the 56 grams of cocaine as the result of his sister's testimony. See United States v. McHan, 101 F.3d 1027, 1034 (4th Cir. 1996). Accordingly, we affirm Johnson's sentence. 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