

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-10242  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CALVIN MCINTOSH, III,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:01-CR-336-ALL-R  
USDC No. 3:01-CR-172-ALL-R  
-----

February 24, 2003

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Calvin McIntosh, III, appeals the sentence he received after a jury found him guilty of bank robbery and after he pleaded guilty to bank robbery in a separate indictment. He argues that the district court erred when it assigned four criminal history points to convictions listed in his Presentence Report when there was no documentation to support that he was actually convicted.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

A preponderance of the evidence indicates that the district court did not clearly err when it considered the convictions in sentencing McIntosh. United States v. Vital, 68 F.3d 114, 120 (5th Cir. 1995); United States v. Lage, 183 F.3d 374, 383 (5th Cir. 1999).

AFFIRMED.