

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 05-16951  
Non-Argument Calendar

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FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
September 22, 2006  
THOMAS K. KAHN  
CLERK

D. C. Docket No. 05-00052-CR-WS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARVIN D. FRITH,  
a.k.a M.D.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Alabama

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**(September 22, 2006)**

Before TJOFLAT, DUBINA and HULL, Circuit Judges.

PER CURIAM:

A jury convicted appellant on Count One of conspiracy to possess with

intent to distribute in excess of 100 kilograms of marijuana and in excess of 500 grams of cocaine; on Counts Two, Three, Four and Five of possession with intent to distribute marijuana; on Count Seven of possession of a firearm by a convicted felon. The court sentenced appellant to a prison term of 235 months on Count One, and concurrent prison terms of 120 months on each of the remaining counts, for a total term of imprisonment of 235 months. Appellant appeals his conviction, raising one issue: whether the district court, in determining appellant's base offense level, committed plain error in attributing to appellant at least 10 pounds of cocaine and 5,570 pounds of marijuana as relevant conduct. We find no error much less plain error.

The district court based its findings on the testimony presented at trial – in particular, the testimony of several people who supplied appellant with drugs. In short, the court had more than sufficient evidence on which to make the challenged findings. Appellant's sentences are, accordingly,

AFFIRMED.