

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 13, 2008

No. 06-11196
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

WILLIS MAURICE IRVING

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:06-CR-111-ALL

Before GARWOOD, GARZA and OWEN, Circuit Judges.

PER CURIAM:*

Willis Maurice Irving appeals his sentence for possession of a firearm by a felon. While he was represented by appointed counsel at sentencing, Irving was allowed great latitude to make arguments (and have witnesses testify) on his own behalf. Nevertheless, Irving argues that the district court erred by denying his requests, made for the first time at the sentencing hearing, to dismiss appointed counsel and represent himself. Because he repeatedly stated

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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that he would “defend” himself but did not intend to “represent” himself, Irving’s waiver of counsel was not sufficiently “clear and unequivocal.” *Burton v. Collins*, 937 F.2d 131, 133 (5th Cir. 1991).

AFFIRMED.