IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-11105
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
July 27, 2017
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID SHEPPARD,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CR-21-5

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

David Sheppard pleaded guilty to conspiracy to possess with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 846. The district court sentenced him to 235 months of imprisonment and a three-year term of supervised release. Sheppard appeals the application of the U.S.S.G. § 2D1.1(b)(5) enhancement for an offense that involved the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

importation of methamphetamine. He argues that there was an inadequate evidentiary basis for the offense level enhancement.

Because Sheppard did not present rebuttal evidence to contradict the information in the presentence report, the district permissibly relied on it. *See United States v. Zuniga*, 720 F.3d 587, 591 (5th Cir. 2013). Sheppard has not shown that the district court clearly erred when it applied the § 2D1.1(b)(5) importation enhancement. *See United States v. Serfass*, 684 F.3d 548, 554 (5th Cir. 2012).

AFFIRMED.