

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2431

United States of America,

Appellee,

v.

James O. Wolf, also known as Bo Wolf,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: March 2, 2000

Filed: March 7, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

James O. Wolf appeals his drug-related sentence. Wolf contends he should not be held responsible for cocaine which he agreed to sell to an undercover officer but did not deliver. He also contends he was the victim of sentencing entrapment and he received a disproportionate sentence compared to an equally culpable co-defendant. We reject Wolf's contentions. First, the district court did not commit clear error in holding Wolf responsible for the cocaine. See U.S. Sentencing Guidelines Manual § 2D1.1, comment. (n.12) (1996); Brown v. United States, 169 F.3d 531, 534-35 (8th Cir. 1999). Second, while sentencing entrapment may occur when "outrageous official

conduct overcomes the will of an individual predisposed only to dealing in small quantities," see United States v. Lenfesty, 923 F.2d 1293, 1300 (8th Cir.), cert. denied, 499 U.S. 968 (1991), it did not occur here. Wolf did not prove the government engaged in outrageous conduct, and the undercover officer's testimony established Wolf's earlier cocaine dealings and his willingness to procure a substantial quantity of cocaine for the officer. Third, Wolf's disparity in sentence argument is foreclosed by this court's precedent. See United States v. McKnight, 186 F.3d 867, 869 (8th Cir. 1999) (per curiam). We thus affirm Wolf's sentence. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.