

FILED

August 17, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-30071
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VERONA L. JOHNSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CR-50050-ALL

Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:*

Verona L. Johnson appeals her resentencing for possession of a firearm by a convicted felon. Johnson argues that she should not have received a two-level increase in her offense level under the Sentencing Guidelines for obstruction of justice.

The district court's factual finding of obstruction of justice is plausible in light of the record as a whole. Therefore, the obstruction finding was not clearly erroneous. See U.S.S.G. § 3C1.1; United States v. Johnson, 352 F.3d 146,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

147-48 (5th Cir. 2003); United States v. Storm, 36 F.3d 1289, 1295 (5th Cir. 1994).

Johnson has filed a letter pursuant to FED. R. APP. P. 28(j) calling our attention to the Supreme Court's recent decision in Blakely v. Washington, 124 S. Ct. 2531 (2004). However, we have held that Blakely does not apply to the United States Sentencing Guidelines. United States v. Pineiro, No. 03-30437, 2004 WL 1543170, at *1 (5th Cir. July 12, 2004).

AFFIRMED.