

FILED

October 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-20072
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LEYLA BONILLA-MURILLO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:03-CR-202-1

Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

Leyla Bonilla-Murillo pleaded guilty to an indictment charging her with violating 8 U.S.C. § 1326(a) and (b)(2). She was sentenced to a 57-month term of imprisonment.

Bonilla contends that the district court erred in refusing to depart downward on grounds of cultural assimilation. The record reflects that the downward departure was denied because the district court believed it was unwarranted. We lack jurisdiction to review this ruling. See United States v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rodriguez-Montelongo, 263 F.3d 429, 431 (5th Cir. 2001). The appeal is dismissed in part.

Bonilla argues that the district court failed to properly implement a downward departure granted on the basis of an over-represented criminal history category. Her assertion that the district court intended to grant two separate departures is belied by the proceedings at Bonilla's sentencing hearing. The sentence is affirmed.

For the foregoing reasons, the judgment of the district court is AFFIRMED IN PART; and the appeal is DISMISSED IN PART.