

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 12, 2007

Charles R. Fulbruge III
Clerk

No. 05-51096
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MARICELA MENDOZA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:03-CR-825-ALL

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Maricela Mendoza appeals the 180-month sentence imposed following her conviction for one count of theft from a health care benefit program and two counts of money laundering. Mendoza argues that her guidelines calculations were improper. She contends that the district court erred by finding that her crimes harmed the solvency of a financial institution and adjusting her offense level in accordance with U.S.S.G. § 2B1.1(b)(13). Mendoza does not cite to a case that squarely supports her assertion that the disputed adjustment was

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

erroneous. Consequently, she has not shown that the district court plainly erred when calculating her guidelines sentencing range. See *United States v. Valenzuela-Quevedo*, 407 F.3d 728, 732-33 (5th Cir. 2005); *United States v. Hull*, 160 F.3d 265, 272 (5th Cir. 1998).

Mendoza also contends that her sentence, which exceeds the pertinent guidelines range, is unreasonable. This argument is unavailing. The district court gave adequate valid reasons to support its choice of sentence, and the degree of departure was not unreasonable. See *United States v. Armendariz*, 451 F.3d 352, 358 (5th Cir. 2006); *United States v. Smith*, 440 F.3d 704, 706-07 (5th Cir. 2006).

Mendoza has shown no error in connection with her sentence. Accordingly, the judgment of the district court is **AFFIRMED**.