

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-11115
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRANCE WAGGONER, also known as Terrence Waggoner,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:01-CR-45-4-A

March 21, 2002

Before REAVLEY, DAVIS and PARKER, Circuit Judges.

PER CURIAM:*

Terrance Waggoner has appealed the district court's upward departure from the Sentencing Guidelines for his conviction of conspiracy to use identities fraudulently, in violation of 18 U.S.C. §§ 371 and 1028.

Waggoner contends that the district court abused its discretion by departing upwardly, because there was insufficient evidence that some of the victims suffered severe emotional trauma or serious credit problems as a result of his conduct. This is refuted by testimony and reports furnished by some of 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

28 victims of the scheme. See U.S.S.G. § 2F1.1 (2000); United States v. Wells, 101 F.3d 370, 371-74 (5th Cir. 1996).

AFFIRMED.