

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-50750  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES BLANTON CHRISTESSON,  
a/k/a James B. Christiansen, Sr.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-94-CR-216-2  
- - - - -

June 19, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:\*

James Blanton Christesson appeals his sentence following a jury trial conviction for conspiracy to import marihuana, importation of marihuana, conspiracy to possess marihuana, and possession with intent to distribute marihuana. He contends that the district court erred by refusing to depart downward from the guidelines sentence based on either his poor health and advanced

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

age, the over-representation of his criminal history, or a combination of the factors.

Because the district court acknowledged the possible reasons for departing downward, but refused to do so because it decided to follow the guidelines, the district court's refusal to depart did not violate the law. See United States v. McKinney, 53 F.3d 664, 677 (5th Cir.), cert. denied, 116 S. Ct. 261, and cert denied, 116 S. Ct. 265, and cert. denied, 116 S. Ct. 431 (1995); see also United States v. Madison, 990 F.2d 178, 184 (5th Cir.), cert. dismissed, 114 S. Ct. 339 (1993).

AFFIRMED.