

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 97-20962  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER JAMES MYLETT,

Defendant-Appellant.

---

Appeal from the United States District Court  
for the Southern District of Texas  
(H-93-CR-163-1)

---

November 9, 1998

Before JOHNSON, DUHE', and STEWART, Circuit Judges.

PER CURIAM:\*

Christopher James Mylett appeals the sentence imposed by the district court after the court granted his motion to vacate his sentence pursuant to 28 U.S.C. § 2255. Mylett contends that the extent of the upward departure levied by the district court is erroneous.

This Court reviews a district court's upward departure for an abuse of discretion. See United States v. Singleton, 49 F.3d 129, 132 (5th Cir. 1995). The sentence will be affirmed if the departure is reasonable under the circumstances of the particular case. See id. After a thorough review of the record, we find that the district court's

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th CIR.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

departure was not unreasonably excessive in light of the unusual circumstances of this case.

AFFIRMED.