

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50941
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAVIER LIRA-CHAVARRIA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-98-CR-54-ALL
- - - - -

August 25, 1999

Before KING, Chief Judge, and DAVIS and SMITH, Circuit Judges.

PER CURIAM:*

Javier Lira-Chavarria appeals the district court's decision to depart upward in sentencing him for illegal entry into the United States after deportation. The district court departed upward on the basis that Lira-Chavarria's criminal history category did not adequately reflect the seriousness of his past criminal conduct and the likelihood that he would commit other crimes. See U.S.S.G. § 4A1.3. The information in the presentence investigation report (PSR) indicated that Lira-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Chavarria had a lengthy history of violent crimes and of illegal entries into the United States after being deported.

In light of the information in the PSR, the district court did not err in sentencing Lira-Chavarria to 144 months of imprisonment. See United States v. McDowell, 109 F.3d 214, 216 (5th Cir. 1997).

AFFIRMED.