

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10143
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEBORAH BLOHM, also known as Deborah Ragsdale,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3; 98-CR-158-1-X

May 25, 2000

Before SMITH, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:*

Deborah Blohm ("Blohm") appeals the district court's denial of her Fed. R. Crim. P. 33 motion for a new trial. She argues that the district court abused its discretion in denying her motions for a new trial based on "newly discovered evidence" that she was not competent to stand trial.

This court has reviewed the record and briefs submitted by the parties. It finds that district court did not abuse its discretion in denying Blohm's motions for a new trial based on "newly discovered evidence" because the failure to detect 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

evidence was due to her lack of diligence. See United States v. Sullivan, 112 F.3d 180, 183 (5th Cir. 1997); see also United States v. Allen, 554 F.2d 398, 403-04 (10th Cir. 1977); United States v. Vowteras, 500 F.2d 1210, 1212 (2d Cir. 1974).

AFFIRMED.