IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 08-50594
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DIANA SALDANA-LIMON

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:07-CR-755-ALL

Before REAVLEY, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:[*]

Diana Saldana-Limon (Saldana) appeals the 57-month sentence imposed by the district court following her guilty plea conviction for illegal reentry following deportation. Saldana argues that the district court erred in calculating the advisory guidelines range because it imposed a 16-level adjustment under U.S.S.G. § 2L1.2(b)(1)(A)(i) based on her prior state conviction for possession of a controlled substance with intent to deliver. Although she concedes that this

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issue is controlled by this court's decision in United States v. Ford, 509 F.3d 714 (5th Cir. 2007), cert. denied, 129 S. Ct. 44 (2008), Saldana argues that that case was wrongly decided. Because Ford supports the application of the adjustment and this court is bound to apply its own precedent absent an intervening change in the law, Saldana's argument is without merit. See Ford, 509 F.3d at 717; United States v. Treft, 447 F.3d 421, 425 (5th Cir. 2006).

Saldana has waived any argument regarding the evidence used to establish her prior conviction by not arguing this issue in the body of her brief. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Even if she had properly raised this issue, she could not establish plain error because the record was supplemented with documentation that establishes that the prior offense involved possession of a controlled substance with intent to deliver.

AFFIRMED.