

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-11337
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD KEVIN CHANDLER,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:00-CR-99-4-A

June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Richard Kevin Chandler appeals his sentence for receiving stolen mail. Chandler argues that the district court abused its discretion by departing upward to the 60-month statutory maximum sentence based on its determination that Chandler's criminal history did not adequately reflect the seriousness of his past criminal conduct or the likelihood that he would commit future crimes. Chandler contends that the extent of the district court's departure was unreasonable and that the court failed to explain why a lesser departure would not have been an adequate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sanction. Chandler does not dispute that he committed the additional offenses cited by the district court in support of the upward departure. Based on the undisputed facts presented at sentencing, Chandler's sentence was within the discretion of the district court. United States v. McDowell, 109 F.3d 214, 219 (5th Cir. 1997); United States v. Ashburn, 38 F.3d 803, 807 (5th Cir. 1994) (en banc).

AFFIRMED.