

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40350
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

TRECIA M. PYMM

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:99-CR-131-1

October 10, 2000

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

PER CURIAM:*

Trecia M. Pymm appeals the district court's order that she make restitution to the Texas Department of Human Services in the amount of \$21,115.88. She contends that the total restitution amount, although not the schedule of payments, is erroneous. She argues that the restitution amount should be limited to \$3956.32, the amount set forth in counts 5 through 9 of indictment. The Government clarifies in this court that in the plea agreement it intended to limit the total amount of restitution to \$3956.32, the amount set forth in the indictment. See United States v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Arnold, 947 F.2d 1236, 1237-38 (5th Cir. 1991); United States v. Stout, 32 F.3d 901, 904-05 (5th Cir. 1994).

Thus, that portion of the judgment ordering that Pymm pay a total of \$21,115.88 in restitution is VACATED and the case REMANDED for resentencing as to the amount of restitution ordered. The judgment of the district court otherwise is AFFIRMED.