

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-11011  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTINA JANE HERNANDEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:02-CR-130-All-H  
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March 21, 2003

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Christina Jane Hernandez pleaded guilty to one count of aiding and abetting the transportation of illegal aliens. Hernandez now appeals her sentence following the district court's revocation of her probation. She first contends that the district court acted unreasonably by sentencing her to five years in prison. Because she did not object to her sentence, the plain-error standard of review applies to this issue. See United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States v. Phipps, \_\_\_ F.3d \_\_\_, 2003 WL 123841 at \*12 (5th Cir. Jan. 15, 2003, No. 02-10102). Hernandez has not shown that the district court erred in sentencing her, as she has not shown that her sentence was illegal or unreasonable. See United States v. Pena, 125 F.3d 285, 287 (5th Cir. 1997). Accordingly, she has not met the plain-error standard.

Hernandez next argues that the district court erred by basing her sentence upon its conclusion that she needed rehabilitation and by sentencing her in excess of her original guidelines sentencing range. These arguments are, as she concedes, foreclosed by our precedent. See United States v. Pena, 125 F.3d 285, 287 (5th Cir. 1997); United States v. Giddings, 37 F.3d 1091, 1097 (5th Cir. 1994).

Hernandez has not shown that the district court erred in revoking her probation and sentencing her to five years in prison. Accordingly, the judgment of the district court is AFFIRMED.