

June 21, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-41359  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LIZA LAWONNA BESHIRS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 3:03-CR-8-2  
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Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Liza Lawonna Beshirs pleaded guilty to conspiracy to manufacture, distribute, or possess with intent to manufacture, distribute, or dispense methamphetamine. She appeals the sentence imposed following our remand to the district court for resentencing in accordance with United States v. Booker, 543 U.S. 220 (2005). See United States v. Beshirs, No. 04-41053 (5th Cir. June 16, 2005) (unpublished). The district court granted the Government's FED. R. CRIM. P. 35(b) motion and sentenced Beshirs

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to 81 months of imprisonment and four years of supervised release.

Beshirs argues that the district court's determination to apply a two-level enhancement for possession of a firearm and a six-level increase for creating a substantial risk of harm to a minor in calculating the advisory guidelines range violated her Sixth Amendment rights. She concedes, however, that this court has approved this method of sentencing, and she does not challenge the reasonableness of the sentence imposed.

"The precise Sixth Amendment error identified in Booker is not the use of extra-verdict enhancements that increase a sentence; the constitutional error is that extra-verdict enhancements were being used under mandatory guidelines." United States v. Holmes, 406 F.3d 337, 365 (5th Cir.), cert. denied, 126 S. Ct. 375 (2005). Because the district court considered the Guidelines as advisory when resentencing Beshirs, her Sixth Amendment argument is without merit.

AFFIRMED.