

June 22, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41545
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAIRE MARIE HARRIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:05-CR-295

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Claire Marie Harris appeals the sentence imposed following her plea of guilty to possession of a counterfeit obligation of the United States with intent to defraud. The district court departed from the Sentencing Guidelines to sentence Harris to 24 months of imprisonment, twice the 12-month maximum under the Guidelines, on the ground that Harris's criminal history score underrepresented the likelihood of repeated criminal wrongdoing.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We review "both the decision to depart and the extent of that departure for abuse of discretion." United States v. Desselle, ___ F.3d ___, No. 05-30401, 2006 WL 1381875, *2 (5th Cir. May 22, 2006). The district court did not abuse its discretion by departing on grounds that Harris has repeatedly committed the same type of crime, Harris was on supervised release for that same crime, and prior sentences have failed to deter Harris's criminal conduct. See United States v. De Luna-Trujillo, 868 F.2d 122, 125 (5th Cir. 1989); United States v. Lee, 358 F.3d 315, 328 (5th Cir. 2004). Moreover, the 12-month departure was not an abuse of discretion; we have affirmed greater departures on similar grounds. See United States v. Smith, 417 F.3d 483, 491-92 (5th Cir.), cert. denied, 126 S. Ct. 713 (2005).

AFFIRMED.