

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

November 5, 2007

Charles R. Fulbruge III  
Clerk

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No. 06-11288  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MARIA MAGDALENA PATINO

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:06-CR-119

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Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Maria Magdalena Patino pleaded guilty to one count of making a false statement to a government agent (in conjunction with attempting, for payment, to smuggle minors into this Country), in violation of 18 U.S.C. § 1001. The district court departed upwardly from the 6 to 12 month advisory guideline sentencing range to 24 months of imprisonment, stating reasons for doing so consistent with 18 U.S.C. § 3553(a). Patino appeals her sentence, claiming the extent of the departure was unreasonable.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Given the great deference owed to the district court in this matter, the reasons it provided, the circumstances of the offense, Patino's previous unpunished criminal activity, and the extent of upward departures given in other cases, the district court did not abuse its discretion in the extent of the departure, and the sentence is reasonable. See *United States v. Smith*, 440 F.3d 704, 708 n.5 (5th Cir. 2006); *United States v. Saldana*, 427 F.3d 298, 302-04, 312, 315-16 (5th Cir. 2005).

AFFIRMED.