

February 15, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-30455
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WOODROW HAYES,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
No. 5:05-CR-50045-ALL

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Woodrow Hayes appeals the sentence imposed following his guilty-plea conviction of conspiracy to commit wire fraud, wire fraud, and forfeiture. The charges relate to Hayes's defrauding a small order of nuns of over three million dollars and 86-year-old Charles Lunan of approximately \$800,000. Hayes does not challenge the district court's calculation of the advisory guideline range but, for the first time on appeal, he challenges the reasonableness

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of the district court's deviation from that range to impose the statutory maximum sentence of 300 months of imprisonment. Hayes asserts that the court failed to account for mitigating factors, such as his guilty plea and his cooperation in locating and forfeiting assets. He also contends that the court failed to consider whether the sentence imposed would result in a sentencing disparity with other similarly situated defendants.

The district court specifically articulated sufficient reasons for deviating from the guidelines, and those reasons are consistent with the sentencing factors in 18 U.S.C. § 3553(a). Hayes has not shown that the court gave significant weight to an improper factor, failed to account for a factor that should have received significant weight, or clearly erred in balancing the sentencing factors. See United States v. Smith, 440 F.3d 704, 708 (5th Cir. 2006). Hayes has not shown error, plain or otherwise, with respect to the reasonableness of his sentence. See United States v. Jones, 444 F.3d 430, 433, 441-42 (5th Cir.), cert. denied, 126 S. Ct. 2958 (2006).

AFFIRMED.