United States Court of Appeals
Fifth Circuit

F I L E D

March 8, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

_____

No. 06-41237
Summary Calendar
_____

UNITED STATES OF AMERICA

                    Plaintiff - Appellee

     v.

JAMEEL CASEY

                    Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:05-CR-254

Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges.

PER CURIAM:[*]

     Without the benefit of a plea agreement, Jameel Casey

pleaded guilty to one count of conspiracy to commit fraud and

related activity in connection with computers. Casey was

sentenced to 27 months of imprisonment and to a three-year term

of supervised release. Casey challenges the district court's

loss determination. Specifically, he contends that the loss

determination should have been based on the "actual" loss to the

lending institutions instead of the "intended" loss.

---

[*] 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this opinion should not be published and is not precedent except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.

The amount of loss is a factual finding reviewed for clear error; the method by which losses are determined is reviewed de novo. <u>United States v. Deavours</u>, 219 F.3d 400, 402 (5th Cir. 2000). Due to his fraudulent actions, Casey helped customers obtain loans that they would not otherwise have qualified. Casey had no control over repaying the loans if the customers defaulted. Consequently, due to his fraudulent actions, Casey put the lending institutions at risk for the full line of credit extended to the consumers. Thus, the district court did not err in assessing Casey's offense level based on the intended loss, rather than the actual loss, figure of the full line of credit extended by the lending institutions to the consumers. <u>See</u> <u>United States v. Morrow</u>, 177 F.3d 272, 301 (5th Cir. 1999); <u>United States v. Tedder</u>, 81 F.3d 549, 551 (5th Cir. 1996). Thus, the judgment of the district court is AFFIRMED.