

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-3629
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RONALD SCHAFFER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CR-92-24-01-F
- - - - -

March 17, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Ronald J. Schafer took an American Express Card which was mailed and addressed to an individual who resided in his apartment complex and then incurred a loss of \$8498 when he made unauthorized purchases with the card. Schafer was arrested and pleaded guilty to credit card fraud in violation of 18 U.S.C. § 1029. The district court imposed an eight-month term of imprisonment in a sentencing guideline range of 2 to 8 months and ordered restitution and a special assessment of \$50.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Schafer argues that the eight-month sentence was unduly harsh. This Court will uphold a guideline sentence unless it was imposed by the district court "in violation of law" or was imposed following an "incorrect application of the sentencing guidelines" or was a departure from the pertinent guideline range and was unreasonable. United States v. Allibhai, 939 F.2d 244, 252 (5th Cir. 1991), cert. denied, 112 S.Ct. 967 (1992); United States v. Buenrostro, 868 F.2d 135, 139 (5th Cir. 1989), cert. denied, 495 U.S. 923 (1990). A sentence imposed consistent with this standard is thus effectively insulated from review by this Court. See 18 U.S.C. § 3742; United States v. Lara-Velasquez, 919 F.2d 946, 954 n.9 (5th Cir. 1990). Schafer's sentence was imposed within the applicable guideline range after a proper application of the guidelines and was not unreasonable. Because Schafer's argument that the sentence is "too harsh" does not address any issue that will trigger appellate review of the sentence, that sentence must be affirmed.

AFFIRMED.