

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60795

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UNITED STATES OF AMERICA

Plaintiff-Appellee,

versus

WILLIAM H. ROBERSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
(93-CR-177)

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January 11, 1996

Before JONES, EMILIO M. GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

The court has considered the issues raised by appellant Roberson in light of the oral arguments, briefs and pertinent portions of the record. We conclude (1) that there is substantial evidence to support the district court's decision that Roberson was not insane when he committed the offenses of conviction; (2) that this court lacks jurisdiction to review the district court's discretionary decision not to depart downward, U.S. v. DiMarco, 46 F.3d 476, at 477 (5th Cir. 1995); (3) that the district court did

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

not err in finding that Roberson acted with fraudulent intent; and (4) that the district court correctly predicated the amount of loss for sentencing purposes on the actual loss to the banks, U.S.S.G. § 2F1.1, comment n.7.

The conviction and sentence are therefore **AFFIRMED**.