

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10361
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BERT WAYNE BOLAN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
(USDC No. 4:94-CR-131-A-01)
- - - - -

January 7, 1996

Before WIENER, PARKER and DENNIS, Circuit Judges.

PER CURIAM:*

Appellant appeals from his conviction and sentence for conspiracy and mail fraud. He argues that his conviction violates the Double Jeopardy Clause and that the district court erred by misapplying the sentencing guidelines, by upwardly departing in imposing Bolan's fine, and by refusing to grant the Government's motion pursuant to U.S.S.G. § 5K1.1, p.s, for downward departure. We have reviewed the record and the transcript of the sentencing

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

hearing in the district court and find no reversible error.
Accordingly, we affirm appellant's conviction and sentence.
AFFIRMED.