

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30675
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICIA MAY SANDERS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 95-CR-30008
- - - - -

March 1, 1996

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

PER CURIAM:*

Appellant Sanders contends that the district court erred by denying the Government's U.S.S.G. § 5K1.1 motion for downward departure in sentencing her. She argues that her delay in providing financial information to the probation office is not a proper ground for the ruling. Sanders asserts that the district court denied due process to her by not giving adequate reasons for denying the motion.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

This court lacks jurisdiction of an appeal from "the district court's refusal to grant downward departure [unless there was] a legal error or misapplication of the guidelines." United States v. DiMarco, 46 F.3d 476, 477 (5th Cir. 1995). Sanders's contention that the district court denied her due process by not stating adequate reasons for the ruling is frivolous.

Assuming arguendo that the district court should not have considered Sanders's delay in providing the information, she is not entitled to relief because the court would have denied the departure even if it had not considered this factor. See Williams v. United States, 503 U.S. 193, 203-03 (1992)

APPEAL DISMISSED.