

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40681
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BETTY ANN SMITH,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:94-CR-147-2
- - - - -

July 16, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Appellant appeals the sentence imposed by the district court after she pleaded guilty to conspiracy to sell a firearm to a convicted felon. Appellant contends that the district court erred in increasing her offense level under U.S. Sentencing Guidelines § 2K2.1(b)(1) based on its finding that the offense involved nine firearms. Appellant also contends that the district court erred in increasing her offense level under U.S.S.G. § 2K2.1(b)(5) based on its finding that appellant knew

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

or had reason to believe that the firearms would be used in connection with another felony offense. We have reviewed the record and find no clear error in the district court's findings on which it based its sentencing determinations. Accordingly, we affirm for essentially the reasons stated by the district court during the sentencing hearing.

AFFIRMED.