

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10127
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

FREDERICK ALLEN KNOX,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CR-254-X
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Frederick Allen Knox appeals his sentence for conspiracy to commit bank fraud. Knox contends that the district court erred by departing from the guideline sentencing range to sentence him to 60 months' imprisonment and that the district court failed to explicitly consider and reject sentences in between the guideline sentencing range and the 60-month term.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The departure to 60 months was not an abuse of discretion. Knox's record of arrests on similar charges, his record of pending charges and disappearances, and his convictions of similar offenses suggest that his criminal history category did not adequately reflect the seriousness of his past conduct and that Knox will commit similar offenses after his release. See *United States v. Ashburn*, 38 F.3d 803, 807-08 (5th Cir. 1994), *cert. denied*, 115 S. Ct. 1969 (1995); *United States v. Rosogie*, 21 F.3d 632, 634 (5th Cir. 1994). The district court's explanation that Knox's history justified a departure to 60 months was adequate; the court need not have explicitly discussed and rejected each possible sentencing range between the guideline range and 60 months. *United States v. Lambert*, 984 F.2d 658, 662-63 (5th Cir. 1993)(en banc).

AFFIRMED.