

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10978
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTINE T. MCDOWELL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CR-140-X
- - - - -

March 25, 1997

Before WISDOM, KING and SMITH, Circuit Judges.

PER CURIAM:*

Christine T. McDowell appeals her sentence following a guilty plea and conviction for making, uttering, and possessing counterfeit securities. 18 U.S.C. § 513(a). McDowell argues that the district court erred in upwardly departing by increasing her offense level rather than by considering each intermediate criminal history category. She argues that the district court's justification for the extent of the departure was erroneous. She also contends that the court relied on a factor already

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

considered by the guidelines in upwardly departing. McDowell has not demonstrated plain error with respect to her arguments that the district court abused its discretion in imposing an upward departure from the guidelines. United States v. Olano, 507 U.S. 725, 731-37 (1993); Koon v. United States, 116 S. Ct. 2035, 2047-48 (1996).

AFFIRMED.