

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11471
Summary Calendar

UNITED STATES OF AMERICA,

DARRELL WAYNE SAULS,

Plaintiff-Appellee,

versus

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(4:96-CR-68-A)

July 15, 1997

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Darrell Wayne Sauls appeals his sentence following a guilty plea conviction for money laundering in violation of 18 U.S.C. § 1957. Sauls contends that the district court abused its discretion when it upwardly departed from the applicable sentencing guidelines range under U.S.S.G. § 4A1.3. As Sauls did not object to the departure in district court, our review is limited to plain error. See United States v. Hawkins, 87 F.3d 722, 730 (5th Cir.), cert. denied, 117 S. Ct. 408 (1996). In this case the court's concern

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

that Sauls' plea agreement understated his involvement in the offense was quelled by Sauls' attorney who assured the court that if the plea agreement was accepted, Sauls could be sentenced to ten years. Under these circumstances, we find that any error did not seriously affect the fairness, integrity, or public reputation of judicial proceedings. See United States v. Calverly, 37 F.3d 160, 162 (5th Cir. 1994), cert. denied, 115 S. Ct. 1266 (1995).

AFFIRMED.