

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20766
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GLEN D. RICHARDS, also known as Glenn Dale
Richards, also known as Glendale D. Richards,
also known as Cecil D. Malone,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(95-CR-241-2)

June 10, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Glen D. Richards appeals the sentence imposed following his guilty-plea conviction for conspiracy to defraud the United States by presenting false claims for tax refund; aiding and abetting knowingly making and presenting a false claim for tax refund; conspiracy to commit bank fraud; and aiding and abetting false statements on loan and credit applications. He contends for the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

first time on appeal that the district court failed to give adequate notice that it was considering an upward departure from the Sentencing Guidelines range. We conclude that there is no error, plain or otherwise.

AFFIRMED