

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20836  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LEE HOFFMAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR H 96-39-1  
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Lee Hoffman appeals her guilty-plea conviction for aiding and abetting and mail fraud, in violation of 18 U.S.C. §§ 2 and 1341, on the grounds that there was an inadequate factual basis for her plea. The guilty plea Hoffman entered into with the Government contained a waiver-of-appeal provision whereby Hoffman waived her right to appeal her conviction or sentence except as

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

to any upward departure. We have reviewed the briefs and the record and conclude that the waiver was informed and voluntary and is therefore binding on Hoffman. Her appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.