

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40339  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUAL AUGUST,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:95-CR-36-1  
- - - - -

April 16, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Manual August appeals his sentence, arguing that the district court mistakenly concluded that he lacked the authority to make a departure below the statutory minimum sentence for the offense of conviction. We have reviewed the record and the briefs of the parties and find no reversible error. 18 U.S.C. § 3553(f)(4); U.S.S.G. § 5C1.2.

AFFIRMED.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.