

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50077  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARS NELSON BORNKESSEL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-94-CR-77  
- - - - -

April 15, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Lars Nelson Bornkessel was convicted by a jury for wire fraud. Bornkessel did not raise the issue concerning the district court's enhancement for finding that he was a manager on his first appeal and it will not be considered on this second appeal. See Burroughs v. FFP Operating Partners, 70 F.3d 31, 33 (5th Cir. 1996); Eason v. Thaler, 73 F.3d 1322, 1329 (5th Cir. 1996). The district court did not err in finding that Bornkessel

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

was responsible for \$381,937.96 in losses as assistant manager at Nationwide. See United States v. Davis, 76 F.3d 82, 84 (5th Cir. 1996). The district court did not abuse its discretion in ordering restitution. See United States v. Ryan, 874 F.2d 1052, 1054 (5th Cir. 1989).

AFFIRMED.