

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10342
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHANNON LYNCH COLBERT,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:96-CR-154-A-1
- - - - -

October 21, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Shannon Lynch Colbert pleaded guilty to embezzlement from an insurance business which affects interstate commerce, a violation of 18 U.S.C. § 1033(b). Colbert appeals her sentence arguing that the district court erred in enhancing her offense level by two levels based on her abuse of a position of trust. Colbert was a claims examiner who had signature authority up to at least \$5000, without supervision, and access to files that she removed. These attributes put her in a superior position to the general public to commit the offense, thereby putting her in a position

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

of trust which she then abused. United States v. Brown, 941 F.2d 1300, 1305 (5th Cir. 1991). We have reviewed the record and the briefs of the parties and find that the district court did not clearly err in imposing the enhancement. See United States v. Brown, 7 F.3d 1155, 1161 & n.4 (5th Cir. 1993); U.S.S.G. § 3B1.3; see also Brown, 941 F.2d at 1304-05.

AFFIRMED.