

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10531
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTI BLACKWELL BYRD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:97-CR-9-1
- - - - -

February 11, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Marti Byrd appeals from her sentence for bank fraud and aiding and abetting in violation of 18 U.S.C. § 1344(1) and § 2. The district court did not clearly err in finding that Byrd did not accept responsibility within the meaning of U.S.S.G. § 3E1.1. United States v. Flucas, 99 F.3d 177, 180 (5th Cir. 1996), cert. denied, 117 S. Ct. 1097 (1997). This court lacks jurisdiction to review a defendant's challenge to his sentence based upon mere dissatisfaction with the court's refusal to grant a downward

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

departure. United States v. DiMarco, 46 F.3d 476, 477 (5th Cir. 1995); United States v. Palmer, 122 F.2d 215, 222 (5th Cir. 1997). Byrd's motion to supplement her brief is DENIED AS UNNECESSARY.

AFFIRMED.