

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30898
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN WESLEY BROUSSARD,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
(96-CR-60041-1)

March 27, 1998

Before WIENER, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

John Wesley Broussard appeals the sentence imposed following his guilty plea to transportation of hazardous waste to an unpermitted facility, its transportation without a manifest, and its storage without a permit. For the first time on appeal, he challenges the district court's upward departures, made pursuant to U.S.S.G. § 2Q1.2, application notes 5 and 7. Based on our review of the record, we conclude that the district court did not commit plain error in so departing. See, e.g., *United States v. Ravitch*, 128 F.3d 865, 869 (5th Cir. 1997); *United States v. Vital*, 68 F.3d 114, 119 (5th Cir. 1995).

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Accordingly, Broussard's sentence is

AFFIRMED.