

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-31137
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILSON SAM,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96-CR-60002-1
- - - - -

August 28, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Wilson Sam appeals his guilty-plea conviction and sentence for food stamp fraud, money laundering, and criminal forfeiture. He argues that the district court erred in refusing to grant a downward departure due to his advanced age and poor health. Because the district court's refusal to grant a downward departure was not the result of a violation of law or a misapplication of the U.S. Sentencing Guidelines, this court lacks jurisdiction to review the district court's refusal to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

grant a downward departure. United States v. Guajardo, 950 F.2d 203, 207-08 (5th Cir. 1991).

Sam also argues that the district court erred in imposing the maximum sentence within the applicable Guideline range without considering his advanced age or poor health and without stating reasons as required by 18 U.S.C. § 3553(c). The district court considered Sam's arguments concerning his age and health and determined that the maximum sentence within the applicable Guideline range was appropriate. See Guajardo, 950 F.2d at 207-08. Because the applicable guideline range spanned exactly 24 months and did not exceed 24 months, the district court was not required to state reasons for imposing the particular sentence under § 3553(c). See § 3553(c)(1); United States v. Richardson, 925 F.2d 112, 117 (5th Cir. 1991). However, even if the district court was required to state reasons for imposing the particular sentence, the district court articulated sufficient reasons in stating that Sam's conduct was "reprehensible and immoral in the manner in which [he] used others in order to cover [his] tracks." The district court further stated that Sam should not be allowed to "manipulate the system" in the future.

AFFIRMED.