

June 22, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-20464
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AMBROSE AGWUIBE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:03-CR-274-1

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Ambrose Agwuibe appeals his 63-month sentence on a conviction for conspiracy to commit wire fraud, wire fraud, and aiding and abetting. 18 U.S.C. §§ 2, 371, 1343. For the first time on appeal, Agwuibe argues that his 12-level enhancement for fraud in excess of \$200,000, his four-level enhancement for fraud involving more than 50 victims, and his two-level enhancement for obstruction of justice were unconstitutional under Blakely v. Washington, 124 S. Ct. 2531 (2004).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Agwuibe raises these arguments for the first time on appeal, they are reviewed for plain error. See United States v. Mares, 402 F.3d 511, 520 (5th Cir. 2005), petition for cert. filed (Mar. 31, 2005) (No. 04-9517). Agwuibe fails to demonstrate that the district court would have reached a different result under an advisory guidelines scheme. See id. at 521-22. Accordingly, Agwuibe cannot establish plain error with respect to the district court's sentencing enhancements. See id.

AFFIRMED.