

January 7, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-30325  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT H. SMITH; PATSY L. SMITH,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 97-CR-50032-1  
USDC No. 97-CR-50032-2  
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Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Robert H. and Patsy L. Smith have appealed orders of restitution imposed by the district court on resentencing. The Smith's motion to strike portions of the Government's brief is DENIED AS MOOT, while their motion to waive the requirement to provide a diskette is GRANTED. Finding no error in the ultimate result reached by the district court, we AFFIRM. See United States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

AFFIRMED. MOTION TO STRIKE PORTIONS OF BRIEF DENIED AS  
MOOT; MOTION TO WAIVE PROVIDING A DISKETTE GRANTED.