

August 17, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30736
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SONJA HAMILTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:03-CR-50120-1

Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Sonja Hamilton appeals her sentence imposed following her guilty plea to theft or bribery concerning programs receiving federal funds. She was sentenced to 12 months and one day of imprisonment. Hamilton argues for the first time on appeal that, in light of United States v. Booker, 125 S. Ct. 738 (2005), her sentence is invalid because the district court applied the Sentencing Guidelines as if they were mandatory and because the district court enhanced Hamilton's sentence based on findings of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

fact determined by the sentencing judge and not admitted by Hamilton or found by a jury.

We review for plain error. United States v. Mares, 402 F.3d 511, 513, 520-22 (5th Cir. 2005), petition for cert. filed (Mar. 31, 2005) (No. 04-9517); United States v. Valenzuela-Quevedo, 407 F.3d 728, 732 (5th Cir. 2005), petition for cert. filed (July 25, 2005) (No. 05-5556); United States v. Malveaux, 411 F.3d 558, 561 n.9 (5th Cir. 2005), petition for cert. filed (July 11, 2005) (No. 05-5297). As Hamilton concedes, she is unable to establish plain error with regard to her Booker claims because she cannot establish that being sentenced under a mandatory Guidelines scheme affected her substantial rights. The record does not indicate that the district court "would have reached a significantly different result" under a sentencing scheme in which the Guidelines were advisory only. See Mares, 402 F.3d at 520-22; Valenzuela-Quevedo, 407 F.3d at 733-34.

Accordingly, the judgment of the district court is AFFIRMED.