

June 22, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40777
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARIA NICOLASA SALINAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:03-CR-1974-1

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Maria Nicolasa Salinas appeals the sentence imposed following her guilty plea to transporting an illegal alien for private financial gain. Citing United States v. Booker, 125 S. Ct. 738 (2005), Salinas argues that the six-level increase she received pursuant to U.S.S.G. § 2K2.1(b)(5) violated her Sixth Amendment rights. As Salinas did not raise this claim in the district court, our review is for plain error. See United States v. Mares, 402 F.3d 511, 520 (5th Cir. 2005), petition for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

cert. filed (Mar. 31, 2005) (No. 04-9517). Salinas's argument fails to survive review under this standard because she has not shown that any Booker error affected her substantial rights.

See id. at 522.

AFFIRMED.