

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 20, 2007

Charles R. Fulbruge III  
Clerk

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No. 07-30269  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MARIE FERDETTE ARNAUD CART

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 6:05-CR-60052-1

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Before JOLLY, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Marie Ferdette Arnaud Cart pleaded guilty to mail fraud. The district court, after considering the 18 U.S.C. § 3553 factors, determined that the 18 to 24 month advisory guideline range would not provide adequate punishment and instead imposed a non-guideline sentence of 36 months of imprisonment.

Cart argues that the sentence is excessive and unreasonable and that the district court erroneously based its sentencing variance on aggravating circumstances that were already taken into consideration by the Guidelines.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cart's sentence is reasonable under § 3553(a) because the district court used the properly calculated advisory Sentencing Guidelines as a frame of reference, identified appropriate reasons for the sentencing variance, and made factual findings to support its sentencing determination. See *United States v. Smith*, 440 F.3d 704, 710 (5th Cir. 2006). The judgment of the district court is affirmed.

AFFIRMED.