

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

May 26, 2009

---

No. 08-60918  
Summary Calendar

---

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DERRICK DEMOND BRANCH, also known as Dedrick Demon Branch

Defendant-Appellant

---

Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:07-CR-189-1

---

Before REAVLEY, WIENER, and PRADO, Circuit Judges.

PER CURIAM:\*

Derrick Demond Branch appeals his 180-month sentence following his guilty plea conviction for carjacking. *See* 18 U.S.C. § 2119. Branch argues that the district court erred by imposing a higher non-guidelines sentence based on factors already accounted for in the guidelines calculations.

The district court was not precluded from imposing a departure or variance based on factors that the Guidelines had already taken into account.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

*See United States v. Brantley*, 537 F.3d 347, 350 (5th Cir. 2008); *United States v. Williams*, 517 F.3d 801, 810-11 (5th Cir. 2008).

AFFIRMED.