

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

No. 14-10156
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 3, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PAMELA ADENUGA,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 3:12-CR-313-1

Before DAVIS, JONES, and GRAVES, Circuit Judges.

PER CURIAM:*

Pamela Adenuga appeals the sentence imposed following her jury conviction for conspiracy to commit health care fraud and seven counts of health care fraud and aiding and abetting. She contends that the district court clearly erred in calculating the loss amount under U.S.S.G. § 2B1.1(b)(1). She asserts that the district court should have found her responsible for \$166,653.12, the total amount actually paid by Medicaid based on a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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government witness's testimony and her own affidavit. Because the district court's loss amount finding was plausible in light of the record as a whole, it was not clearly erroneous. *See United States v. Taylor*, 582 F.3d 558, 564 (5th Cir. 2009).

Adenuga argues that the 121-month sentence imposed by the district court is illegal because it exceeds the 120-month statutory maximum sentence for the offenses. Adenuga's sentence is modified to 120 months of imprisonment on each count, to be served concurrently. *See United States v. Williams*, 602 F.3d 313, 318 (5th Cir. 2010); *United States v. Vera*, 542 F.3d 457, 459 (5th Cir. 2008); *United States v. De Jesus-Batres*, 410 F.3d 154, 164 (5th Cir. 2005).

AFFIRMED AS MODIFIED.