

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-1407
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CONNIE CLARISSA SMITH,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. CR3-91-330-H
- - - - -

March 17, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

A district court's imposition of a lawful sentence without departing from the guidelines provides no basis for appellate relief. United States v. Hatchett, 923 F.2d 369, 372 (5th Cir. 1991), aff'd, 952 F.2d 400 (1992). Such a sentence may be reviewed only if the district court mistakenly believed it was without authority to grant a downward departure. United States v. Soliman, 954 F.2d 1012, 1014 (5th Cir. 1992). We review a district court's interpretation of the sentencing guidelines de

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

novo. United States v. Suarez, 911 F.2d 1016, 1018 (5th Cir. 1990).

Connie Clarissa Smith argues that the district court mistakenly believed it was without authority to grant her a downward departure under U.S.S.G. § 5K2.13 on the basis of significantly reduced mental capacity. There is no indication in the record that the court concluded it was without authority; rather it determined that the circumstances did not warrant the departure. See United States v. Keller, 947 F.2d 739, 741 (5th Cir. 1991).

The district court's sentence is AFFIRMED.