

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-41015
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHELTON PAUL RANDLE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:94-CR-18-1

- - - - -
June 27, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Shelton Paul Randle appeals his sentence following a guilty plea to possession of cocaine base with intent to distribute within 1000 feet of real property comprising a public secondary school in violation of 21 U.S.C. §§ 841(a)(1) and 860(a). Randle argues that the district court erred when it denied him a downward departure pursuant to U.S.S.G. §§ 5K2.0 and 4A1.3 because his career offender status over represented the seriousness of his criminal history.

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

This court will not review a district court's refusal to depart from the guidelines unless the refusal was in violation of the law. United States v. Hatchett, 923 F.2d 369, 372 (5th Cir. 1991). The district court's refusal to depart downward was not unlawful inasmuch as the district court applied the guidelines as they are written. "A claim that the district court refused to depart from the guidelines and imposed a lawful sentence provides no ground for relief." United States v. Buenrostro, 868 F.2d 135, 139 (5th Cir. 1989).

AFFIRMED.