

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20834
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BETTY JORDAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-92-146-1

August 20, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

Betty Jordan appeals from her resentencing on remand. She argues that this court erred by failing to order on remand either a new trial or a hearing in the district court to determine whether a new trial should be granted and that the district court erred in resentencing her by unreasonably departing upwards from the sentencing range. We have reviewed the record and

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

find no reversible error. Additionally, the first issue raised by Jordan is not properly before this court on appeal. See Burroughs v.

FFP Operating Partners, L.P., 70 F.3d 31, 33 (5th Cir. 1995). Accordingly, the judgment of the district court is AFFIRMED.