

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10768
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHIRLEY ANN KYLE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:98-CR-6-1-A
- - - - -

April 16, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:*

Shirley Ann Kyle appeals from her sentence for bank fraud. Kyle contends that three pairs of convictions that the district court found were not related for sentencing purposes were consolidated and that the district court failed to follow the procedure articulated in *United States v. Lambert*, 984 F.2d 658 (5th Cir. 1993)(en banc), when determining the extent of the upward departure in her case.

As Kyle recognizes, her contention that her pairs of state-court convictions were related is counter to our precedent. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Huskey, 137 F.3d 283, 288 (5th Cir. 1998).

Finally, the district court's explanation of the upward departure and the methodology it followed complied with the *Lambert* procedure. *Lambert*, 984 F.2d at 662-63.

AFFIRMED.