

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30813
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MELINDA B. COLVILLE,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 99-CR-60012-1

April 13, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Melinda Colville ("Colville") appeals the sentence following her guilty-plea conviction for mail fraud, 18 U.S.C. § 1341 & 2. She argues that the district court erred when it refused to depart downward from the guideline range, pursuant to U.S.S.G. § 5K2.13, because it mistakenly believed that it was without authority to do so.

We have carefully reviewed the arguments and the appellate record and concluded that the district court was aware that it possessed the authority to depart downward from the guideline

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

range pursuant to § 5K2.13. See United States v. Carmouche, 138 F.3d 1014, 1018 (5th Cir. 1998); United States v. Keller, 947 F.2d 739, 741 (5th Cir. 1991).

AFFIRMED.