

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10148  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OSARO DARLINGTON ASEMOTA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:93-CR-349-G  
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Osaro Darlington Asemota appeals the district court's refusal to grant a downward departure in his sentence on the basis of the collateral consequences of his status as a deportable alien and the imminent deportation proceedings facing him upon completion of his sentence. "Collateral consequences, such as the likelihood of deportation or ineligibility for more lenient conditions of imprisonment, that an alien may incur

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

following a federal conviction are not a basis for downward departure." United States v. Nnanna, 7 F.3d 420, 422 (5th Cir. 1993). The district court did not err in concluding that it lacked the authority to award a downward departure. Id.

AFFIRMED.