

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-31371
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHEILA WALLEN HEARD, also known as Sheila Clemons, also known as Joan A. Hynes, also known as Charlene Ourso, also known as Jill Marie Heavey,

Defendant-Appellant.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 95-CR-370-ALL-D
- - - - -

August 25, 1999

Before KING, Chief Judge, and DAVIS and SMITH, Circuit Judges.

PER CURIAM:*

Sheila Wallen Heard appeals her sentence for conspiracy and possession of stolen mail, arguing that the district court committed plain error in upwardly departing from the guideline range pursuant to U.S.S.G. § 4A1.3. She argues that the district court did not adequately discuss or consider lesser, incremental sentences. This argument lacks merit. See United States v. Lambert, 984 F.2d 658, 662-63 (5th Cir. 1993)(en banc). The record reveals that the district court provided acceptable

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

reasons for the departure and that the departure was reasonable.

Id.; United States v. Ashburn, 38 F.3d 803, 807 (5th Cir.

1994)(en banc). There is no plain error in Heard's sentence.

AFFIRMED.