

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-10311  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

THOMAS STEELE,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:98-CR-166-1-A  
-----

August 26, 1999

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

PER CURIAM:\*

Thomas Steele appeals his sentence following his guilty plea to possession and passing of counterfeit securities of an organization, a violation of 18 U.S.C. § 513(a). He contends that the district court erred by departing upward from the sentencing range found in the presentence investigative report.

The district court did not err in upwardly departing based on a determination that Steele's criminal history category and offense level did not adequately reflect the seriousness of his

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

criminal conduct and his likelihood of recidivism. The reasons given by the district court for the departure were acceptable, and the departure itself, given both Steele's extensive criminal conduct and the statutory maximum for this crime, was reasonable. See United States v. Lambert, 984 F.2d 658, 663 (5th Cir. 1993) (en banc). Further, the district court adequately explained the reasons why the upward departure to offense level 24 was appropriate. See Lambert, 984 F.2d at 662-63.

AFFIRMED.