

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40643
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT BRISENO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-98-CR-634-1

April 5, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:*

Robert Briseno appeals from his conviction for mail fraud and resultant 18-month sentence. He argues that the evidence was insufficient to support his conviction and that the district court erred in its calculation of the amount of the loss attributable to him. We have reviewed the record and find no reversible error. The evidence is sufficient to prove that Briseno made material misrepresentations in an accident report to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

which a reasonable man would attach importance in determining whether to pay a fraudulent claim, thus satisfying the requisite element of materiality. See United States v. Richards, ___ F.3d ___ (5th Cir. Feb. 9, 2000, No. 98-20441), 2000 WL 146318 at *8-*10. Based upon the information contained in the PSR, Briseno has also failed to show that the district court clearly erred in its calculation of the amount of the intended loss attributable to him. Accordingly, the judgment of the district court is AFFIRMED.