

**UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 99-50088  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BOBBY G. BOUNDS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-98-CR-97-1  
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July 16, 1999

Before POLITZ, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:\*

Bobby G. Bounds pleaded guilty to the distribution and possession of visual depictions of sexual activities by minors which had been shipped or transported in interstate commerce. The presentence report revealed that when Bounds lived in Germany, he had abused sexually his two minor stepdaughters. Based on this, the government filed a belated objection to the PSR, contending that under Sentencing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Guidelines § 2G2.2, comment. (n.2), the district court should depart upwards in its sentence. The district court agreed and imposed an upward departure.

Bounds maintains that the district court lacked jurisdiction to punish him for the events alleged to have occurred in a foreign country. Bounds failed to advance this argument in the district court; it is deemed forfeited.<sup>2</sup> To prevail, Bounds must show that the district court's upward departure resulted in an error that was clear or obvious.<sup>3</sup> No such showing has been made. As to Bounds's suggestion that the district court erred by considering the government's belated objection to the PSR, we find no reversible error.<sup>4</sup>

AFFIRMED.

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<sup>2</sup>See United States v. Calverley, 37 F.3d 160 (5th Cir. 1994)(en banc).

<sup>3</sup>Id. at 162-64.

<sup>4</sup>See Fed. R. Crim. P. 32(b)(6)(B) & (D).