

November 17, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-10940  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

PAULA LUMMUS FORT

Defendant - Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:05-CR-1-2  
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Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges.

PER CURIAM:\*

Paula Lummus Fort appeals from her conviction of conspiracy to obtain funds by fraud. Fort was involved in the criminal activities orchestrated by former Kennedale, Texas, Police Chief David Geeslin. See United States v. Geeslin, 447 F.3d 408 (5th Cir. 2006).

Fort argues, contrary to our holding in Geeslin, that Officer Gary Cooper was not a victim of Geeslin's activities for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

purposes of calculating the amount of loss pursuant to U.S.S.G. § 2B1.1. Fort's argument is foreclosed by Geeslin.

Fort argues for the first time on appeal that Cooper was not a victim of her criminal conduct and that she was as much a victim of Geeslin's conduct as Cooper was. Fort's contentions implicate factual determinations that could have been made by the district court upon proper objection; Fort has not demonstrated plain error. See United States v. Lopez, 923 F.2d 47, 50 (5th Cir. 1991).

AFFIRMED.