

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

No. 15-10945
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 6, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

KELLY WOODERSON BURKETT,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:15-CR-62-1

Before HIGGINBOTHAM, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

Kelly Wooderson Burkett pleaded guilty to possession with intent to distribute methamphetamine. Burkett argues that, because she was not involved in importation, the district court erred by imposing a two-level importation enhancement. She acknowledges that this argument is foreclosed by *United States v. Foulks*, 747 F.3d 914, 915 (5th Cir. 2014).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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She also argues that the district court erred by increasing her offense level by two levels, pursuant to U.S.S.G. § 3C1.1, because she attempted to obstruct or impede justice. The district court stated specifically that even if it erred by applying the enhancement, it would have imposed the same sentence. Accordingly, any error in applying the enhancement is harmless. *See United States v. Gutierrez-Mendez*, 752 F.3d 418, 429-30 (5th Cir. 2014); *see also United States v. Shepherd*, ___ F.3d ___, 2017 WL 543219, *2 (5th Cir. Feb. 9, 2017).

AFFIRMED.