

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

United States Court of Appeals
Fifth Circuit

FILED

May 1, 2009

No. 08-30965
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

THALISHA DAVIS, also known as Thalisha Smith

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:07-CR-171-1

Before WIENER, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Thalisha Davis pleaded guilty to two counts of making false claims and one count of theft of government property. She appeals the imposition of a two-level enhancement to her base offense level pursuant to U.S.S.G. § 2B1.1(b)(10)(C)(i). Davis argues that § 2B1.1(b)(10)(C)(i) is inapplicable because, in providing social security numbers assigned to others in making applications for disaster relief benefits with the Federal Emergency Management Agency, she did not use one means of identification to produce

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

another means of identification. The commentary to the Sentencing Guidelines indicates that a bank loan account number qualifies as another means of identification that can be obtained unlawfully pursuant to § 2B1.1(b)(10)(C)(i). In light of the similarity between that example and the instant application of the guideline, we hold that the district court did not plainly err. *See United States v. Peltier*, 505 F.3d 389, 392 (5th Cir. 2007), *cert. denied*, 128 S. Ct. 2959 (2008); *see also* § 2B1.1, cmt. n. 9(C)(ii)(I).

AFFIRMED.