

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D

January 24, 2011

No. 10-40432
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VANESSA BERRONES,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:09-CR-1787-2

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Vanessa Berrones was convicted on two counts of making false statements in connection with the acquisition of a firearm and sentenced to 21 months in prison. Berrones appeals her within-guidelines sentence. She argues that the district court erred in (1) increasing her base offense level pursuant to U.S.S.G. § 2K2.1(b)(6) because there was insufficient reliable evidence showing that she transferred the firearm with reason to believe that the firearm would be used or possessed in connection with another felony offense; (2) failing to group her two

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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counts pursuant to § 3D1.2(d); and (3) failing to adequately and properly consider the 18 U.S.C. § 3553(a) factors.

The district court did not clearly err in enhancing Berrones's sentence pursuant to § 2K2.1(b)(6). *See United States v. Cisneros-Gutierrez*, 517 F.3d 751, 764 (5th Cir. 2008). The presentence report (PSR) states that Berrones's boyfriend told her that the firearm was going to be used in connection with another felony offense. Berrones fails to present any evidence other than self-serving statements to rebut the information in the PSR. *See United States v. Buenrostro*, 868 F.2d 135, 138 (5th Cir. 1989). Thus, this argument is unavailing.

Berrones's remaining arguments are also without merit. Because Berrones did not raise these arguments in the district court, this court reviews the issues for plain error only. *United States v. Ronquillo*, 508 F.3d 744, 748 (5th Cir. 2007). Berrones has not shown error, plain or otherwise, because the PSR specifically states that both counts were grouped pursuant to § 3D1.2(d) and because the sentencing transcript reflects that the district court considered the nature and circumstances of the offense and Berrones's history and characteristics. *See id.* Thus, the judgment of the district court is AFFIRMED.