

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

No. 16-10356
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 13, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCIA CARAWAY MORRISON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:15-CR-224-1

Before BENAVIDES, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Marcia Caraway Morrison appeals her 70-month prison sentence for wire fraud. She challenges the district court's denial of a reduction of her offense level for acceptance of responsibility under U.S.S.G. § 3E1.1. Our review is even more deferential than review for clear error, and we will affirm the district court's decision unless it is without foundation. *United States v. Solis*, 299 F.3d 420, 458 (5th Cir. 2002).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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At her rearraignment, Morrison stated under oath that a written summary of the facts supporting her guilty plea was true and correct. The summary stated that Morrison transferred \$50,000 from a bank account without the owner's knowledge or consent. The information to which Morrison pleaded guilty identified this \$50,000 transfer as the basis for the wire fraud count.

During a presentence interview, however, Morrison stated that the \$50,000 was a loan. Morrison thus denied conduct comprising the offense of conviction. *See* U.S.S.G. § 3E1.1, comment. (n.1(A)); *United States v. Galban*, No. 93-3844, 1994 WL 399501, at *1 (5th Cir. July 22, 1994) (unpublished); *see also* 5TH CIR. R. 47.5.3 (unpublished opinions issue before 1996 are precedent). The district court's ruling was not without foundation. *See Solis*, 299 F.3d at 458.

AFFIRMED.