
No. 95-2727

United States of America,

Appellee,

v.

Ewen P. Barnett,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: February 14, 1996

Filed: February 20, 1996

Before FAGG, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

After pleading guilty to making a false loan application in violation of 18 U.S.C. §§ 1014 and 2, and to conspiring to make a fraudulent loan application in violation of 18 U.S.C. § 371, Ewen P. Barnett was sentenced to eight months imprisonment and ordered to pay \$10,000 restitution. Barnett appeals only the order of restitution, arguing that the district court¹ failed to consider the factors set forth in 18 U.S.C. § 3664(a) before imposing restitution, or relied upon objected-to portions of Barnett's presentence report (PSR) without resolving factual disputes as to his ability to pay restitution.

Having carefully reviewed the entire record and the parties'

¹The Honorable Jean C. Hamilton, Chief Judge, United States District Court for the Eastern District of Missouri.

submissions on appeal, we conclude that the district court considered the necessary factors and properly exercised its discretion in imposing restitution. See 18 U.S.C. § 3664(a), (d); United States v. French, 46 F.3d 710, 716 (8th Cir. 1995) (standard of review); see also United States v. Manzer, 69 F.3d 222, 229 (8th Cir. 1995). We are satisfied that the restitution determination is supported by undisputed facts in the PSR.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.