

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 98-3793

United States of America,

Appellee,

v.

Tassanna Eileen Latham,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa

[UNPUBLISHED]

Submitted: May 5, 1999
Filed: May 10, 1999

Before McMILLIAN, LOKEN, MURPHY, Circuit Judges.

PER CURIAM.

Tassanna Eileen Latham pleaded guilty to aiding and abetting the possession with intent to distribute various Schedule II controlled substances, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). Latham appeals her sentence, arguing that the district court¹ erred in denying her request, pursuant to U.S. Sentencing Guidelines Manual § 5K2.0, p.s. (1998), for a departure from the applicable Guidelines range because the drug quantity overrepresented her culpability.

¹The HONORABLE MICHAEL J. MELLODY, Chief Judge, United States District Court for the Northern District of Iowa.

The district court did not indicate it lacked authority to depart based on an overrepresented drug quantity. Instead the court simply chose not to depart in the present case based on, among other things, the serious nature of the conduct, which involved three burglaries, and the court's determination that the overrepresentation was to some extent taken into consideration by a mitigating role adjustment Latham received. We do not review such a discretionary decision. See United States v. Field, 110 F.3d 587, 591 (8th Cir. 1997).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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