

PUBLISH

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 97-4076

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D.C. Docket No. 96-646-CR

<p><b>FILED</b> U.S. COURT OF APPEALS ELEVENTH CIRCUIT 07/22/99 THOMAS K. KAHN CLERK</p>
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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KHADIJAH S. CAMPBELL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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**(July 22, 1999)**

Before RONEY and LAY\*, Senior Circuit Judges.\*\*

PER CURIAM:

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\*Honorable Donald P. Lay, Senior U.S. Circuit Judge for the Eighth Circuit, sitting by designation.

\*\* This decision is rendered by a quorum, due to the retirement of then-Chief Judge Hatchett on May 14, 1999. 28 U.S.C. § 46(d).

On April 21, 1998, we filed an opinion vacating the judgment in this case and remanding for re-sentencing. *United States v. Campbell*, 139 F.3d 820 (11th Cir. 1998). Our decision followed the same line of reasoning as a prior panel of this circuit in *United States v. DeVaron*, 136 F.3d 740 (11th Cir. 1998). We held that it was improper for the sentencing court to consider a fact that “relates solely to Campbell’s status as a drug courier,” citing *United States v. Velosa*, 83 F.3d 380 (11th Cir. 1996).

On motion of the government, we stayed the mandate in this case until rehearing *en banc* of *DeVaron*. The full court has now issued its opinion which overrules the precedents set in *United States v. Velosa*, 83 F.3d 380 (11th Cir. 1996) and *United States v. DeVaron*, 136 F.3d 740 (11th Cir. 1998). See *United States v. DeVaron*, 175 F.3d 930, 11th Cir. 1999 (en banc). In light of that *en banc* opinion, we vacate our prior opinion and affirm the judgment and sentence in this case.

It was not improper for the district court to rely on factors relating to defendant’s status as a drug courier in denying her a minor role adjustment. A review of the record reveals that there was no clear error in the determination that defendant was not entitled to a minor role adjustment in her sentence.

AFFIRMED.