

UNITED STATES of America, Plaintiff-Appellee,

v.

Khadijah S. CAMPBELL, Defendant-Appellant.

No. 97-4076.

United States Court of Appeals,

Eleventh Circuit.

July 22, 1999.

Appeal from the United States District Court for the Southern District of Florida. No. 96-646-CR-LCN, Lenore C. Nesbitt, Judge.

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

PER CURIAM:

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. De Varon*, 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. Veloza*, 83 F.3d 380 (11th Cir.1996).

On motion of the government, we stayed the mandate in this case until rehearing *en banc* of *De Varon*. The full court has now issued its opinion which overrules the precedents set in *United States v. Veloza*, 83 F.3d 380 (11th Cir.1996) and *United States v. De Varon*, 136 F.3d 740 (11th Cir.1998). See *United States v. De Varon*, 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.

*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).

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.