

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4632

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AISHA B. BAKER,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:09-cr-00232-NCT-1)

Submitted: February 1, 2011

Decided: March 11, 2011

Before MOTZ, SHEDD, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas N. Cochran, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. John W. Stone, Jr., Acting United States Attorney, Robert M. Hamilton, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Aisha Baker pled guilty, pursuant to a plea agreement, to one count of bank fraud in violation of 18 U.S.C. § 1344(2) (2006), and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (2006). Under the aggravated identity theft count, Baker faced a mandatory minimum sentence of two years. The Government moved for a downward departure under U.S. Sentencing Guidelines Manual § 5K1.1 based on Baker's substantial assistance. The court granted the Government's motion and sentenced Baker to fifteen months' imprisonment. Baker appeals her sentence. Finding no error, we affirm.

On appeal, Baker argues that the district court should have considered the § 3553(a) sentencing factors, and not merely the value of her assistance, in determining the extent of the departure below the statutory minimum sentence. This court has previously rejected a similar challenge, see United States v. Hood, 556 F.3d 226 (4th Cir.), cert. denied, 130 S. Ct. 321 (2009), thus establishing circuit authority binding on subsequent panels. United States v. Collins, 415 F.3d 304, 311 (4th Cir. 2005) ("A decision of a panel of this court becomes the law of the circuit and is binding on other panels unless it is overruled by a subsequent en banc opinion of this court or a superseding contrary decision of the Supreme Court.") (internal quotation marks omitted). Therefore, this claim fails.

Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED