IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED
October 8, 2014

Lyle W. Cayce
Clerk

No. 13-50967
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RONALD HEDLAND,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 5:12-CR-683-1

Before CLEMENT, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

Ronald Hedland appeals the 110-month within guidelines sentence imposed following a jury-trial conviction of conspiring to possess with intent to distribute 100 kilograms or more of marijuana and aiding and abetting the possession with intent to distribute 100 kilograms or more of marijuana. He argues that the district court erred in denying a downward departure and that the sentence imposed is substantively unreasonable.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

On this record, we may not review the district court's refusal to downwardly depart from the advisory guidelines range, pursuant to U.S.S.G. § 5H1.4, p.s. (Nov. 2012). *See United States v. Tuma*, 738 F.3d 681, 691 (5th Cir. 2013); *see also United States v. Valencia-Gonzales*, 172 F.3d 344, 346 (5th Cir. 1999).

Because Hedland did not object in the district court to the substantive reasonableness of the sentence, we review for plain error. *See United States v. Powell*, 732 F.3d 361, 381 (5th Cir. 2013); *Puckett v. United States*, 556 U.S. 129, 135 (2009). The within guidelines sentence is presumptively reasonable. *See United States v. Gomez-Herrera*, 523 F.3d 554, (5th Cir. 2008). "The presumption is rebutted only upon a showing that the sentence does not account for a factor that should receive significant weight, it gives significant weight to an irrelevant or improper factor, or it represents a clear error of judgment in balancing sentencing factors." *United States v. Cooks,* 589 F.3d 173, 186 (5th Cir. 2009).

Hedland has not made such a showing. His disagreement with the propriety of the sentence imposed and with the district court's weighing of the sentencing factors does not suffice to rebut the presumption of reasonableness that attaches to his within guidelines sentence. *See Gomez-Herrera*, 523 F.3d at 565-66. Hedland has not shown error, much less plain error. *See Puckett*, 556 U.S. at 135. Accordingly, the judgment of the district court is AFFIRMED.