

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

December 17, 2013

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE OSIEL GARZA,

Defendant - Appellant.

No. 13-6154
(D.C. No. 5:13-CR-00012-F-1)
(W.D. Oklahoma)

ORDER AND JUDGMENT*

Before **HARTZ, O'BRIEN**, and **GORSUCH**, Circuit Judges.

Jose Osiel Garza appeals his 120-month sentence after his guilty plea to the possession of firearms by a convicted felon, 18 U.S.C. § 922(g)(1). He argues that the sentence was substantively unreasonable. The sentence, however, was within the

*After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

advisory sentencing guideline range and is therefore presumptively reasonable, *see United States v. Kristl*, 437 F.3d 1050, 1055 (10th Cir. 2006). Because Mr. Garza has not overcome the presumption, we AFFIRM his sentence.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge