

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 06-12812  
Non-Argument Calendar

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<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT March 16, 2007 THOMAS K. KAHN CLERK</p>
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D. C. Docket No. 03-00048-CR-1-SPM-AK

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ENRIQUE MALDONADO PINEDA,  
a.k.a. 103M19-02,

Defendant-Appellant.

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

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**(March 16, 2007)**

Before DUBINA, CARNES and BARKETT, Circuit Judges.

PER CURIAM:

Enrique Maldonado Pineda appeals his 169-month sentence for conspiracy

to distribute and possess with intent to distribute more than 50 grams of methamphetamine and more than 500 grams of a mixture and substance containing methamphetamine. Pineda argues that he received an unreasonable sentence because the district court failed to consider properly the factors in 18 U.S.C. § 3553(a). Pineda also argues that, upon remand, this Court should order a new judge to preside over his sentencing hearing because the earlier judge failed to fairly consider the factors under Section 3553(a).

In sentencing Pineda, the district court considered his arguments for a sentence below his applicable guideline range based on his personal characteristics and the nature of the offense, and considered the available sentences and appropriately consulted the Guidelines. 18 U.S.C. § 3553(a); United States v. Talley, 431 F.3d 784, 785-88 (11th Cir. 2005). Accordingly, we cannot conclude that the district court imposed an unreasonable sentence upon Pineda.

**AFFIRMED.**