

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-15051
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 9, 2012 JOHN LEY CLERK

D.C. Docket No. 1:10-cr-00094-JOF-LTW-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL ROMEO ST. ROMAIN,

Defendant-Appellant.

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

(July 9, 2012)

Before EDMONDSON, PRYOR and FAY, Circuit Judges.

PER CURIAM:

Michael Romeo St. Romain appeals his sentence of imprisonment of 57 months after pleading guilty to one count of conspiracy to defraud the United

States by filing false income tax returns. 18 U.S.C. § 286. St. Romain argues that his sentence is unreasonable. We affirm.

We review the reasonableness of a sentence under a deferential standard for abuse of discretion. Gall v. United States, 552 U.S. 38, 41, 128 S. Ct. 586, 591 (2007).

St. Romain's sentence is reasonable. The sentence is more than a year below the applicable guideline range of 70 to 87 months of imprisonment and less than half the statutory maximum sentence of 120 months of imprisonment. The district court considered St. Romain's argument about his criminal history and immigration status, but the district court was entitled to reject St. Romain's request for a greater variance. The district court did not abuse its discretion.

AFFIRMED.