UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-5164

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSE GARCIA-FLORES, a/k/a Juan Pablosegura-Paz, a/k/a Juan Domingo Magadan-Torres, a/k/a Barragan David Flores, a/k/a Sidronio Andrales-Solis, a/k/a Jose Daniel Garcia,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, Senior District Judge. (1:06-cr-00186-WLO)

Submitted: June 21, 2007 Decided: June 26, 2007

Before NIEMEYER, WILLIAMS, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael W. Patrick, LAW OFFICE OF MICHAEL W. PATRICK, Chapel Hill, North Carolina, for Appellant. Anna Mills Wagoner, UNITED STATES ATTORNEY, Angela H. Miller, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jose Garcia-Flores was sentenced to thirty-two months in prison after pleading guilty pursuant to a plea agreement to unlawful re-entry of a deported alien in violation of 8 U.S.C. §§ 1326(a) and (b)(2) (2000). On appeal, Garcia-Flores asserts the district court erred in sentencing him under an unconstitutional mandatory guidelines scheme and failed to adequately explain its consideration of the 18 U.S.C. § 3553(a) (2000) factors. Finding no error, we affirm.

We find that the district court properly applied the federal sentencing guidelines and considered the relevant sentencing factors before imposing Garcia-Flores's sentence. See 18 U.S.C. § 3553(a) (2000); United States v. Hughes, 401 F.3d 540, 546-47 (4th Cir. 2005). Additionally, we find that the sentence imposed, which Garcia-Flores admits was within a properly calculated guidelines range, was reasonable. See United States v. Green, 436 F.3d 449, 457 (4th Cir.) (holding a sentence imposed within a properly calculated guidelines range is presumptively reasonable), cert. denied, 126 S. Ct. 2309 (2006).

Accordingly, we affirm Garcia-Flores's conviction and sentence. 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