

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-4973

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL LOZANO-GARCIA, a/k/a Daniel Garcia Lozano,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., Senior District Judge. (7:11-cr-00334-HMH-1)

Submitted: June 29, 2012

Decided: July 13, 2012

Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Lora E. Collins, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. William N. Nettles, United States Attorney, Maxwell Cauthen, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Lozano-Garcia appeals from his fifty-month sentence imposed pursuant to his guilty plea to illegal reentry by a deported felon. On appeal, Lozano-Garcia contends that the district court did not provide sufficient individualized reasoning to support his Guidelines sentence. We affirm.

Because trial counsel argued at sentencing for a lower sentence than the one Lozano-Garcia received, this issue is preserved on appeal. United States v. Lynn, 592 F.3d 572, 578 (4th Cir. 2010). We therefore review under an abuse of discretion standard. Id. at 581 (“[W]e review the district court’s sentencing procedure for abuse of discretion, and must reverse if we find error, unless we can conclude that the error was harmless.”).

We conclude that the district court’s reasoning was “adequate to permit ‘meaningful appellate review.’” United States v. Carter, 564 F.3d 325, 329 (4th Cir. 2009). The court explicitly addressed the basis proffered by Lozano-Garcia for a lower sentence and explained its reasons for selecting a sentence in the middle of the Guidelines range. Specifically, the court discussed the length of Lozano-Garcia’s illegal residence in the United States as well as the crimes he committed during that time. Moreover, the court noted that a Guidelines sentence was appropriate and rejected Lozano-Garcia’s

assertion that his life in Mexico and his recognition of the seriousness of the trouble he was in were sufficient to keep him in Mexico. See id. at 328 (holding that a district judge must state in open court the particular reasons for a sentence in order to satisfy the appellate court that he considered the parties' arguments and that he exercised sound authority in selecting a sentence). We conclude that Lozano-Garcia has not demonstrated an abuse of discretion, and his sentence was therefore not procedurally unreasonable.

Accordingly, we affirm. 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