

United States Court of Appeals
Fifth Circuit

FILED

November 22, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-61014
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHNNY L. LEWIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:04-CR-32-1

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Johnny L. Lewis appeals his sentence for possession of a firearm by a convicted felon. Lewis argues that the district court effectively imposed a mandatory sentence under the Guidelines. Lewis concedes that the district court did not believe that the Guidelines were binding. Because Lewis was not erroneously sentenced under a mandatory sentencing guideline scheme and because the district court did not consider the Guidelines to be mandatory, Lewis's argument lacks merit.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Lewis also contends that his sentence was unreasonable because the district court failed to weigh the 18 U.S.C. § 3553(a) factors on the record. He does not challenge the calculation of his guideline sentencing range. Because Lewis's sentence was within the properly calculated guideline range of 10 to 16 months, we infer that the district court considered all the factors for a fair sentence set forth in the Guidelines. See United States v. Alonzo, 435 F.3d 551, 554 (5th Cir. 2006); United States v. Mares, 402 F.3d 511, 519 (5th Cir.), cert. denied, 126 S. Ct. 43 (2005). Lewis has failed to demonstrate that his properly calculated guideline sentence was unreasonable. See Alonzo, 435 F.3d at 554; Mares, 402 F.3d at 519.

AFFIRMED.