

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 13, 2008

Charles R. Fulbruge III
Clerk

No. 06-40750
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

PEDRO FUENTES-DIAZ

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:05-CR-9-1

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Pedro Fuentes-Diaz appeals from his conviction of conspiracy to possess marijuana with intent to distribute. He contends that his 75-month sentence was unreasonable.

Fuentes-Diaz was sentenced within the applicable guideline sentencing range, and his sentence is presumptively reasonable. See *United States v. Alonzo*, 435 F.3d 441, 445 (5th Cir. 2006). Fuentes-Diaz presented no argument in the district court in mitigation of sentence. Moreover, the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

adequately explained its reasoning for the sentence it imposed. See *Rita v. United States*, 127 S. Ct. 2456, 2468 (2007). Fuentes-Diaz has not rebutted the presumption of reasonableness applicable to his within-guidelines sentence, and the district court did not abuse its discretion in imposing Fuentes-Diaz's sentence. See *Gall v. United States*, 128 S. Ct. 586, 597 (2007).

AFFIRMED.