

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 25, 2008

Charles R. Fulbruge III
Clerk

No. 07-50520
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RAMON GERARDO ESPINOZA-MARTINEZ

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:06-CR-2630

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Ramon Gerardo Espinoza-Martinez pleaded guilty to possession with the intent to distribute cocaine. The district court sentenced Espinoza-Martinez at the low end of the properly calculated guidelines range to 70 months of imprisonment, three years of supervised release, and a \$100 special assessment. Espinoza-Martinez now appeals his sentence.

Espinoza-Martinez argues that his sentence is unreasonable because it is greater than necessary to satisfy the sentencing goals of 18 U.S.C. § 3553(a). He

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

argues that sentence is not necessary to protect the public or to prevent him from committing future crimes because this was his first offense and he is genuinely repentant.

The district court committed no significant procedural error as it properly calculated the applicable guidelines range, allowed both parties to present arguments as to what they believed the appropriate sentence should be, and considered all of the § 3553(a) factors. Where, as here, the district court imposes a sentence within a properly calculated guidelines range, the sentence is entitled to a rebuttable presumption of reasonableness. See *United States v. Alonzo*, 435 F.3d 551, 553-54 (5th Cir. 2006); see also *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007). *Espinoza-Martinez* has failed to demonstrate that his sentence is unreasonable. See *Gall v. United States*, 128 S. Ct. 586, 597 (2007). Accordingly, the judgment of the district court is AFFIRMED.