

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 2, 2008

Charles R. Fulbruge III
Clerk

No. 08-10107
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DANNY LEON LYNCH, JR

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CR-153-ALL

Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Danny Leon Lynch, Jr., pleaded guilty to five counts of bank robbery and was sentenced as a career offender to concurrent 160-month terms of imprisonment. Lynch does not dispute the procedural correctness of his sentence, but he argues that his sentence is substantively unreasonable because the offenses in his criminal record overstate the violence of his actual conduct and the sentencing court failed to consider his abuse as a child; his history of mental problems, attempted suicide, and substance abuse. Lynch contends that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his sentence is excessive because it does not address his need for psychological treatment rather than punishment.

The sentencing court cited Lynch's recidivism, his repeated use of threats of violence, the danger posed by his commission of violent crimes while under the influence of drugs, and his failure to accept or seek help with his problems. See 18 U.S.C. § 3553(a). The court sentenced Lynch at the mid-range of correctly calculated Sentencing Guidelines. The sentence is procedurally reasonable and we accord it a presumption of substantive reasonableness. See *Gall v. United States*, 128 S. Ct. 586, 594 (2007); *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006).

AFFIRMED.