

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

May 27, 2009

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No. 08-50697

Summary Calendar

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

JOSE JUAN SANDOVAL,

Defendant–Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:08-CR-101-1  
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Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Jose Juan Sandoval appeals from his conviction of illegal reentry following deportation. He contends that his sentence is not entitled to a presumption of reasonableness because it was calculated pursuant to U.S.S.G. § 2L1.2, which he argues is not supported by empirical evidence. He further contends that his sentence is unreasonable even if a presumption of reasonableness is applicable.

Sandoval's contention that his sentence is not entitled to a presumption of reasonableness because the relevant guideline is not supported by empirical

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

evidence is without merit. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 366-67 (5th Cir. 2009). Sandoval's sentence is presumptively reasonable. *See United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). Moreover, the district court addressed the factors set out at 18 U.S.C. § 3553(a)—particularly the need to deter Sandoval from committing future offenses—when imposing the sentence. Sandoval has failed to rebut the presumption of reasonableness.

AFFIRMED.