

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

United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2009

\_\_\_\_\_  
No. 09-40142  
Conference Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CUDBERTO CONSTANTINO-GARRIDO,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:08-CR-1367-ALL  
\_\_\_\_\_

Before HIGGINBOTHAM, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Cudberto Constantino-Garrido raises arguments that he concedes are foreclosed by *United States v. Mondragon-Santiago*, 564 F.3d 357, 364-65 (5th Cir. 2009), *petition for cert. filed* (June 24, 2009) (No. 08-11099), which held that plain error review applies to forfeited issues of procedural reasonableness. Accordingly, the appellant's motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.