

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, Cuberto 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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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