

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

United States Court of Appeals
Fifth Circuit

FILED

December 18, 2009

Charles R. Fulbruge III
Clerk

No. 09-50211

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE LOPEZ-RAMIREZ, also known as Jose Oliva-Reseno, also known as Jose Ramiro Lopez-Marquez,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:08-CR-2889-1

Before BENAVIDES, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Jose Lopez-Ramirez appeals the 24-month sentence imposed following his guilty plea conviction for illegal reentry after removal, in violation of 8 U.S.C. § 1326. He argues that his within-guidelines sentence is unreasonable because it is greater than necessary to achieve the sentencing goals set forth in 18 U.S.C. § 3553(a). Lopez asserts that the guidelines range overstates the seriousness of his offense. He also argues that fast-track programs created unwarranted

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sentencing disparities between defendants who can avail themselves of a fast-track program and defendants, like him, who cannot.

Because the sentence imposed by the district court was within the advisory guidelines range of 24 to 30 months of imprisonment, it is entitled to a presumption of reasonableness. *See United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006); *United States v. Campos-Maldonado*, 531 F.3d 337, 338 (5th Cir.), *cert. denied*, 129 S. Ct. 328 (2008). Lopez has not shown sufficient reason for this court to disturb that presumption. *See Campos-Maldonado*, 531 F.3d at 339. Further, as Lopez concedes, his fast-track argument is foreclosed by circuit precedent. *See United States v. Gomez-Herrera*, 523 F.3d 554, 563 (5th Cir.), *cert. denied*, 129 S. Ct. 623 (2008).

The judgment of the district court is AFFIRMED.