

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 19, 2013

Lyle W. Cayce  
Clerk

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No. 12-50390  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAFAEL RAMIREZ-PEREZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:11-CR-3090-1

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Before KING, CLEMENT, and HAYNES, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Rafael Ramirez-Perez raises arguments that he concedes are foreclosed by *United States v. Gomez-Herrera*, 523 F.3d 554, 562-63 (5th Cir. 2008), which rejected the argument that the existence of fast track programs in some districts and not in others creates unwarranted sentencing disparities within the meaning of 18 U.S.C. § 3553(a)(6). The Government's motion for summary affirmance is GRANTED,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.