

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

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2013

Lyle W. Cayce
Clerk

No. 13-30169
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LINDA C. BUNCH,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:10-CR-198-1

Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Linda C. Bunch appeals the 27-month, within-guidelines sentence imposed following her guilty plea to conspiracy to import and distribute human growth hormone. Bunch argues that the district court abused its discretion by denying her motion to withdraw her guilty plea and that her sentence is greater than necessary to meet the sentencing goals of 18 U.S.C. § 3553(a).

Bunch's argument is inadequate to demonstrate a fair and just reason for the withdrawal of her guilty plea. *See United States v. Powell*, 354 F.3d 362, 370

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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(5th Cir. 2003). Accordingly, the district court did not abuse its discretion by denying her motion. *See id.*

Because Bunch did not raise her substantive reasonableness argument in the district court, we review for plain error only. *See United States v. Peltier*, 505 F.3d 389, 392 (5th Cir. 2007). The record reflects that the district court expressly considered the relevant § 3553(a) factors as well as Bunch's arguments for mitigating her sentence but explicitly overruled her arguments and concluded that a within-guidelines sentence was appropriate. *See United States v. Rodriguez*, 523 F.3d 519, 525 (5th Cir. 2008). Accordingly, we decline Bunch's invitation to reweigh the § 3553(a) factors because "the sentencing judge is in a superior position to find facts and judge their import under § 3553(a) with respect to a particular defendant." *United States v. Campos-Maldonado*, 531 F.3d 337, 339 (5th Cir. 2008).

Bunch's general disagreement with the propriety of her sentence and the district court's weighing of the § 3553(a) factors is insufficient to rebut the presumption of reasonableness that attaches to a within-guidelines sentence. *See United States v. Ruiz*, 621 F.3d 390, 398 (5th Cir. 2010); *United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). Bunch has not demonstrated that the district court committed error, plain or otherwise, by sentencing her to a within-guidelines, 27-month prison term. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *Peltier*, 505 F.3d at 392. Accordingly, the judgment of the district court is AFFIRMED.