

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

No. 14-50238
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
November 21, 2014
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FELICIANO BRUNO-SANDOVAL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:13-CR-928

Before BENAVIDES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:*

Feliciano Bruno-Sandoval appeals the 36-month, non-guidelines sentence imposed following his guilty plea conviction for illegal reentry following deportation in violation of 8 U.S.C. § 1326(a). He challenges the substantive reasonableness of his sentence on the ground that it is greater than necessary to achieve the sentencing goals set forth in 18 U.S.C. § 3553(a).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Because he does not argue that the district court committed any procedural error in imposing the sentence, our review is limited to whether the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007). When the district court has imposed a sentence that varies from the guidelines range, reasonableness review requires that we evaluate whether the sentence “unreasonably fails to reflect the statutory sentencing factors” set forth in § 3553(a). *United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006).

Although Bruno-Sandoval asserts that the district court gave too much weight to old, uncounted convictions and that the sentence is greater than necessary to deter him from reentering the United States, the record does not reflect that the district court did not account for a factor that should have received significant weight, gave significant weight to an irrelevant or improper factor, or made a clear error of judgment in balancing the sentencing factors. *Id.* at 708. Rather, the record reflects that the district court considered the Guidelines and policy statements, the sentencing factors of § 3553(a)—particularly the need for the sentence imposed to provide adequate deterrence in light of Bruno-Sandoval’s history of illegal reentries—as well as the facts set forth in the presentence report and the allocution of the parties, including Bruno-Sandoval’s arguments in mitigation of sentence. Additionally, although the 36-month sentence is 12 months greater than the top of the guidelines range, we have upheld much greater variances. *See, e.g., United States v. Key*, 599 F.3d 469, 475-76 (5th Cir. 2010); *United States v. Herrera-Garduno*, 519 F.3d 526, 531-32 (5th Cir. 2008).

Based on the totality of the circumstances, including the significant deference that is due to a district court’s consideration of the § 3553(a) factors, the sentence imposed was reasonable. *See Gall*, 552 U.S. at 50-53; *United*

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States v. Brantley, 537 F.3d 347, 349 (5th Cir. 2008). Accordingly, the district court's judgment is AFFIRMED.