

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

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No. 15-20563  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

December 9, 2016

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MISAEEL FIGUEROA OCAMPO, also known as Misael Figueroa O'Campo, also known as Misael Ocampo Figueroa,

Defendant-Appellant

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Appeals from the United States District Court  
for the Southern District of Texas  
USDC No. 4:15-CR-128-1

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Before WIENER, CLEMENT, and GRAVES, Circuit Judges.

PER CURIAM:\*

Defendant-Appellant Misael Figueroa Ocampo appeals the 36-month below-Guidelines sentence he received after he pleaded guilty to illegal reentry following an aggravated felony conviction, in violation of 8 U.S.C. § 1326(a) and (b)(2). Ocampo asserts that the sentence exceeds the mean and median sentences for immigration offenses nationwide. He argues that the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-20563

court should have considered the remoteness of his prior conviction for robbery causing injury, which was used to enhance his sentence, as well as his reason for illegally entering this country.

Because Ocampo failed to object to the reasonableness of the sentence in the district court, his sentence is reviewed for plain error only. *See United States v. Peltier*, 505 F.3d 389, 391-92 (5th Cir. 2007). Ocampo fails to rebut the presumption of correctness that we accord his below-guidelines sentence and, therefore, fails to show plain error. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Simpson*, 796 F.3d 548, 558 (5th Cir. 2015), *cert. denied*, 136 S. Ct. 920 (2016); *United States v. Gomez-Herrera*, 523 F.3d 554, 565-66 (5th Cir. 2008).

AFFIRMED.