

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

No. 18-10686
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 25, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICHAEL ZACHARIAH GOMEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CR-206-1

Before HIGGINBOTHAM, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Michael Zachariah Gomez appeals the 36-month sentence imposed following revocation of his supervised release term on substantive unreasonableness grounds. He contends that the district court gave no weight to the policy statement range of 4 to 10 months or to most of the relevant factors in 18 U.S.C. § 3553(a) while giving too much weight to a single § 3553(a) factor, deterrence.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 18-10686

We review Gomez’s sentence under the “plainly unreasonable standard,” which is highly deferential. *See United States v. Warren*, 720 F.3d 321, 326 (5th Cir. 2013) (internal quotation marks and citation omitted). We recognize that Gomez’s sentence was well above the policy-statement range, but “[w]e have routinely affirmed revocation sentences exceeding the advisory range, even where the sentence equals the statutory maximum.” *Id.* at 332 (collecting cases). Moreover, Gomez has not established that the sentencing judge considered only deterrence while ignoring other factors. The judge’s statements about Gomez’s crimes while on parole speak to Gomez’s “history and characteristics,” as well as the need to “protect the public from further crimes.” *See* 18 U.S.C. § 3553(a) (listing sentencing factors). Given the deference owed to the district court’s sentencing decision, Gomez has not established that his 36-month sentence was substantively unreasonable. *See Warren*, 720 F.3d at 326.

AFFIRMED.