

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 06-3981

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United States of America,

Appellee,

v.

Luis Jimenez-Serrato,

Appellant.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: September 6, 2007  
Filed: September 18, 2007

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Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Luis Jimenez-Serrato (Serrato) challenges the 151-month prison sentence imposed by the district court<sup>1</sup> following his guilty plea to possessing with intent to distribute 8 ounces of a methamphetamine mixture containing more than 50 grams of actual methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A). For reversal, Serrato argues that his sentence is unreasonable because the district court undervalued the mitigating facts of the offense and the unique family hardships that he suffered, and overvalued the theoretical deterrent effect of his sentence. We affirm.

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<sup>1</sup>The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.

We conclude that Serrato's sentence was not unreasonable. See United States v. Booker, 543 U.S. 220, 261-62 (2005). The record indicates that the district court considered only appropriate factors, and did not commit any clear error of judgment in weighing those factors, see 18 U.S.C. § 3553(a); United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (describing abuse-of-discretion standard of review); and Serrato has not succeeded in rebutting the presumption of reasonableness that attaches to his sentence imposed at the bottom of the applicable Guidelines range, see Rita v. United States, 127 S. Ct. 2456, 2463-68 (2007) (discussing application of presumption of reasonableness to sentence that reflected proper application of Guidelines); United States v. Harris, No. 06-2892, 2007 WL 1964651, at \*3 (8th Cir. July 9, 2007) (sentence within advisory Guidelines range is presumptively reasonable).

Accordingly, the judgment is affirmed.

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