

August 17, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40101
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ISSAC NAVARRO-LERMA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:04-CR-587-ALL

Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Issac Navarro-Lerma appeals his sentence following his guilty-plea conviction of one charge of transporting an alien for financial gain. Navarro-Lerma argues for the first time on appeal that the district court erred by sentencing him under a mandatory sentencing guidelines scheme. See United States v. Booker, 125 S. Ct. 738 (2005). He further contends that this issue is subject to de novo review and that prejudice should be presumed because the error is structural.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We review for plain error. See United States v. Valenzuela-Quevedo, 407 F.3d 728, 732 (5th Cir. 2005), petition for cert. filed (July 25, 2005) (No. 05-5556). Navarro-Lerma's arguments to the contrary are, as he concedes, foreclosed. See id.; see also United States v. Malveaux, 411 F.3d 558, 560 n.9 (5th Cir. 2005), petition for cert. filed (July 11, 2005) (No. 05-5297); United States v. Martinez-Lugo, 411 F.3d 597, 600-01 (5th Cir. 2005). Further, he has not shown that he is entitled to relief under the plain-error standard.

Navarro-Lerma has shown no reversible error in the judgment of the district court. Consequently, that judgment is AFFIRMED.