

**FILED**

August 21, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-50444  
Conference Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

LUIS RAUL RAMIREZ-PALOMO

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:04-CR-547-ALL

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Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Luis Raul Ramirez-Palomo appeals his concurrent 108-month sentences for importing and possessing with the intent to distribute cocaine. Ramirez-Palomo argues that his Sixth Amendment right to a jury trial was violated because the district court found facts used to determine his guideline range of imprisonment. “[W]ith the mandatory use of the Guidelines excised, the Sixth Amendment will not impede a sentencing judge from finding all facts relevant

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to sentencing.” *United States v. Johnson*, 445 F.3d 793, 798 (5th Cir.), cert. denied, 126 S. Ct. 2884 (2006). The judgment of the district court is AFFIRMED.