

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 2, 2007

No. 06-11021
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MARK MATA

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:05-CR-075-20

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Mark Mata appeals the 168-month prison sentence imposed following his conviction of one count of conspiracy to distribute cocaine, marijuana, and methamphetamine. Mata contends that the district court infringed his Sixth Amendment rights and erred by sentencing him based on its own factual findings. Mata also challenges the presumption of reasonableness that attaches to a within-guidelines sentence. These arguments are foreclosed. See *Rita v.*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States, 127 S. Ct. 2456, 2462 (2007); *United States v. Alonzo*, 435 F.3d 551, 553 (5th Cir. 2006); *United States v. Mares*, 402 F.3d 511, 519 (5th Cir. 2005).

Mata argues that his sentence is unreasonable because the district court did not give sufficient weight to certain sentencing factors. Mata has failed to show error in connection with his sentence, which was the result of a downward departure imposed in accordance with the Sentencing Guidelines. See *United States v. Smith*, 440 F.3d 704, 706-07 (5th Cir. 2006).

Mata has shown no error in connection with the district court's judgment. Consequently, that judgment is AFFIRMED. The Government's motion for summary affirmance, dismissal of the appeal, or an extension of time to file a brief is DENIED.