

August 12, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40073
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MAURO GUZMAN-ARROYO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:03-CR-1195-ALL

Before BENAVIDES DENNIS and OWEN, Circuit Judges

PER CURIAM:*

Mauro Guzman-Arroyo appeals from his guilty-plea conviction for illegal reentry of a deported alien. For the first time on appeal, he argues that his sentence should be vacated and the case remanded for resentencing in light of United States v. Booker, 125 S. Ct. 738 (2005). He does not allege that a Sixth Amendment violation occurred but, instead, asserts that the district court would have imposed a lesser sentence under an advisory sentencing scheme. Guzman-Arroyo's claim fails to meet the plain-error standard because he has not shown that the error affected his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

substantial rights. See United States v. Mares, 402 F.3d 511, 521 (5th Cir. 2005), petition for cert. filed (Mar. 31, 2005) (No. 04-9517); United States v. Valenzuela-Quevedo, 407 F.3d 728, 732-33 (5th Cir. 2005).

AFFIRMED.