

January 29, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-30355
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CORNELL WILLIAMS, also known as Carnell Williams,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
No. 2:05-CR-97-1

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Cornell Williams appeals his sentence for possession of a firearm by a convicted felon in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). He contends that his non-guideline sentence is unreasonable because it is based on improper factors. Specifically, he argues that the upward deviation amounts to a disagreement with Sentencing Commission policy because it assigns different weight to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

factors incorporated in the guidelines from that prescribed by the Commission.

The record does not reflect that the district court disagreed with Sentencing Commission policy as to the weight to be afforded prior convictions or as to whether evasive conduct justifies an obstruction-of-justice enhancement. The court considered the applicable guideline range and decided to deviate upwardly from that range based on its consideration of individualized and proper 18 U.S.C. § 3553(a) factors, including the nature and circumstances of the instant offense and Williams's history and characteristics.

Therefore, the non-guideline sentence is not unreasonable. See United States v. Tzep-Mejia, 461 F.3d 522, 528 (5th Cir. 2006). Accordingly, the judgment is AFFIRMED.