

May 2, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40987
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HUGO ARAUGO-GUTIERREZ, also known as Hugo Alexander Araujo,
also known as Hugo Gomez,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:04-CR-1098-ALL

Before HIGGINBOTHAM, WIENER, and PRADO, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Hugo Araugo-Gutierrez raises arguments that are foreclosed by United States v. Young, 981 F.2d 180, 187 (5th Cir. 1992), which held that hearsay is admissible for sentencing purposes, including corroborated out-of-court statements by unidentified confidential informants, and thus that its admission does not violate due process or the right to confrontation. Araugo-Gutierrez also raises arguments that are foreclosed by United States v. Mares,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

402 F.3d 511, 519 (5th Cir.), cert. denied, 126 S. Ct. 43 (2005), which held that, after United States v. Booker, 543 U.S. 220 (2005), the sentencing court may still find all facts relevant to sentencing by a preponderance of the evidence. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.