

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 18, 2011

Lyle W. Cayce  
Clerk

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No. 10-50712  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAUL GARCIA-NEVAREZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:09-CR-3418-2

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Before GARWOOD, DAVIS and OWEN, Circuit Judges.

PER CURIAM:\*

Raul Garcia-Nevarez (Garcia) appeals from his four concurrent 24-month sentences imposed following his convictions for two counts of conspiring to illegally export defense articles and two counts of aiding and abetting the illegal export of defense articles; his sentences each fall well below the applicable guidelines range.

Garcia asserts no procedural error. He claims only that the sentence is substantively unreasonably long in light of the 18 U.S.C. § 3553(a) factors. We

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

ordinarily review sentences for reasonableness under an abuse of discretion standard. *Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). However, because Garcia did not object to the unreasonableness of his sentence in the district court, our review is for plain error only. *See United States v. Peltier*, 505 F.3d 389, 391-92 (5th Cir. 2007). We decline his invitation to engage in impermissible “substantive second-guessing of the sentencing court.” *United States v. Cisneros-Gutierrez*, 517 F.3d 751, 767 (5th Cir. 2008).

AFFIRMED.