

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 12, 2007

No. 06-41478
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JESSICA GARAY

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:06-CR-158-ALL

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:*

Jessica Garay appeals the sentence imposed following her guilty plea to transportation of undocumented aliens. She argues that her sentence is unreasonable as a matter of law because our post-Booker¹ rulings have effectively reinstated the mandatory sentencing guidelines regime. Garay correctly concedes that this claim is foreclosed by our precedent and raises it

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ United States v. Booker, 543 U.S. 220 (2005).

only to preserve its further review by the Supreme Court. See *Rita v. United States*, 127 S. Ct. 2456, 2462-66 (2007); *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006).

AFFIRMED.