United States Court of Appeals
Fifth Circuit

F I L E D

March 20, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 05-50998
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DIMAS ROJAS-DUQUEZ, also known as Alesandro Rojas
Dimas-Luquez,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:05-CR-370-ALL

Before JONES, Chief Judge, and SMITH and GARZA, Circuit Judges.

PER CURIAM:[*]

Dimas Rojas-Duquez (Rojas) pleaded guilty to illegal reentry
after deportation and was sentenced to 60 months of imprisonment,
three years of supervised release, and a $100 special assessment.

Rojas argues on appeal that his sentence was unreasonable
because (1) the amount of cocaine involved in a prior conviction on
which a 16-level increase in his offense level pursuant to
U.S.S.G. § 2L1.2(b)(1)(A)(i) was based was small, (2) he returned
to the United States only to check on his children and to prevent

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[*] 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opinion should not be published and is not precedent except under the limited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.

them from being placed in a foster home, and (3) he intended to return to Mexico after checking on his children. He does not challenge the district court's calculation of his guideline sentencing range.

Because Rojas's sentence was within a properly calculated guideline range of 57 to 71 months, we infer that the district court considered all the factors for a fair sentence set forth in the Guidelines. See <u>United States v. Mares</u>, 402 F.3d 511, 519 (5th Cir.), <u>cert. denied</u>, 126 S. Ct. 43 (2005). "[A] sentence within a properly calculated Guideline range is presumptively reasonable." <u>United States v. Alonzo</u>, 435 F.3d 551, 554 (5th Cir. 2006). Rojas has failed to demonstrate that his properly calculated guidelines sentence was unreasonable. See <u>id.</u>; <u>Mares</u>, 402 F.3d at 519.

AFFIRMED.