IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 07-40279
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

REYNALDO CARLOS ALDAZ-TREVINO, also known as Carlos Trevino

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:05-CR-621-2

Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:[*]

Reynaldo Carlos Aldaz-Trevino (Aldaz) appeals his 33-month sentence that was imposed following his guilty plea conviction for fraud and misuse of visas, permits, and other documents. Aldaz argues that the district court abused its discretion by upwardly departing under U.S.S.G. § 4A1.3 based on a finding that his criminal history was substantially under represented. He also contends that the district court erred in imposing a six-level upward adjustment under

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S.S.G. § 2L2.1(b)(2)(B) based on a finding that he was responsible for 25-99 fraudulent documents.

The district court imposed an "alternate non-guidelines sentence" by stating that it would impose a 33-month sentence even if the Guidelines were misapplied. United States v. Antuna-Moran, 488 F.3d 1048 (5th Cir. 2007). The district court cited case specific reasons for the imposition of Aldaz's sentence and considered proper factors under 18 U.S.C. § 3553(a). See United States v. Tzep-Mejia, 461 F.3d 522, 525-26 (5th Cir. 2006). Because Aldaz's alternate non-guidelines sentence is reasonable, it is unnecessary to determine whether the district court erred in its application of the Guidelines regarding either the upward departure or the six-level adjustment. See id.; see also Antuna-Moran, 488 F.3d at 1048.

Accordingly, the judgment of the district court is AFFIRMED.