

May 4, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40288
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARICELA GUERRERO-HERNANDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:05-CR-1741

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Maricela Guerrero-Hernandez (Guerrero) appeals the sentence that she received after she pleaded guilty to transporting an undocumented alien within the United States for financial gain. Her argument that the district court violated United States v. Booker, 543 U.S. 220 (2005), when it enhanced her sentence on facts not alleged in the indictment or admitted is meritless. See United States v. Johnson, 445 F.3d 793, 798 (5th Cir. 2006), cert. denied, 126 S. Ct. 2884 (2006). Guerrero's argument that the district court erred when it enhanced her sentence pursuant

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to U.S.S.G. § 2L1.1(b)(5) because Mendoza was in the "backseat area" of the vehicle is likewise without merit. See United States v. Zuniga-Amezquita, 468 F.3d 886, 887 (5th Cir. 2006); § 2L1.1(b)(5), comment. (n.6). Last, the district court's sentence, which was within the guidelines range of imprisonment, was reasonable. See United States v. Mares, 402 F.3d 511, 520 (5th Cir.), cert. denied, 126 S. Ct. 43 (2005); 18 U.S.C. § 3553(a).

AFFIRMED.