

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 7, 2007

Charles R. Fulbruge III
Clerk

No. 06-11013
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

SHILOH STARK

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:06-CR-49-ALL

Before HIGGINBOTHAM, STEWART, and OWEN, Circuit Judges.

PER CURIAM:*

Shiloh Stark appeals the 235-month prison sentence that was imposed following his conviction for one charge of transporting child pornography and one charge of possessing child pornography. Stark argues that his sentence is unreasonable under *United States v. Booker*, 543 U.S. 220 (2005), because the district court failed to give due consideration to the sentencing factors outlined in 18 U.S.C. § 3553 and did not give sufficient reasons for its choice of sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Stark also challenges this court's application of a rebuttable presumption of reasonableness to a sentence that falls within the defendant's guidelines range.

These arguments lack merit. The record shows that the district court gave adequate, proper reasons for its choice of a sentence within the pertinent guidelines range. See *United States v. Nikonova*, 480 F.3d 371, 376 (5th Cir. 2007), petition for cert. filed (May 21, 2007) (06-11834); *United States v. Mares*, 402 F.3d 511, 518-19 (5th Cir. 2005). Stark's challenge to the presumption of reasonableness is unavailing. See *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007); *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). Stark's argument that the district court erred by increasing his offense level under U.S.S.G. § 2G2.2(b)(4) is, as he concedes, foreclosed by this court's jurisprudence. See *United States v. Lyckman*, 235 F.3d 234, 240 (5th Cir. 2000); *United States v. Ruiz*, 180 F.3d 675, 676 (5th Cir. 1999).

Stark has shown no error in the judgment of the district court. Consequently, the Government's motion for summary affirmance is GRANTED, the Government's motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.