

November 9, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-11267
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BARTOLO DOMINGUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:05-CR-18-1

Before BARKSDALE, DeMOSS, and PRADO, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Bartolo Dominguez presents arguments that he concedes are foreclosed by United States v. Mares, 402 F.3d 511, 519 (5th Cir.), cert. denied, 126 S. Ct. 43 (2005), which held that this court will give great deference to the sentence imposed when the sentencing judge follows the principles set forth in Mares, commits no legal error in the procedure followed in arriving at the sentence, and gives appropriate reasons for the sentence, by United States v. Alonzo, 435 F.3d 551, 554 (5th Cir. 2006), which held that a 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

within a properly calculated Guideline range is presumptively reasonable, and by United States v. Duhon, 440 F.3d 711, 715 (5th Cir. 2006), petition for cert. filed (U.S. May 18, 2006)(No. 05-11144), which held that the farther a sentence varies from the applicable Guideline sentence, the more compelling the justification based on factors in 18 U.S.C. § 3553(a) must be. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.