

July 5, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50615
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD FEDERMANN,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:04-CR-216-ALL

Before REAVLEY, STEWART and OWEN, Circuit Judges.

PER CURIAM:*

Richard Federmann appeals the 546-month sentence imposed following his guilty-plea conviction of possession with intent to distribute heroin, distribution of heroin to a person under 21 years of age, and aiding and abetting. He contends that the sentence, which exceeded the guideline range of 262 to 327 months of imprisonment, was unreasonable. He argues that the district court failed to properly articulate reasons for the sentence and improperly considered his age in determining the 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

We review the sentence for reasonableness. See United States v. Mares, 402 F.3d 511, 520 (5th Cir.), cert. denied, 126 S. Ct. 43 (2005). The district court considered the Sentencing Guidelines, the sentencing factors set forth in 18 U.S.C. § 3553(a), and thoroughly articulated the reasons for imposing a non-Guidelines sentence in this case. See United States v. Smith, 440 F.3d 704, 707 (5th Cir. 2006). A review of those reasons shows that the district court did not fail to account for a sentencing factor that should have received significant weight, did not give significant weight to an irrelevant or improper factor, nor was the sentence imposed the result of clear error in balancing the sentencing factors. Id. at 708. Accordingly, the judgment is AFFIRMED.