

July 6, 2007

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 06-10823
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD STREICHER ROTHROCK,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(3:06-CR-18-ALL)

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Edward Streicher Rothrock appeals his guilty-plea conviction and 71-months sentence for bank robbery, in violation of 18 U.S.C. § 2113(a). Rothrock claims his sentence is unreasonable because it inadequately considers: his history and circumstances; the need to promote rehabilitation; and, the limited need to protect the public in the light of his lack of recent criminal activity. The district

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court sentenced Rothrock within a properly calculated advisory Guidelines range. Such a sentence is afforded "great deference". **United States v. Candia**, 454 F.3d 468, 473 (5th Cir. 2006). Moreover, the district court stated that it considered the 18 U.S.C. § 3553 sentencing factors when determining the sentence. In sum, Rothrock fails to show his sentence was unreasonable. *E.g.*, **United States v. Mares**, 402 F.3d 511, 519-20 (5th Cir.), *cert. denied*, 126 S. Ct. 43 (2005).

For the first time on appeal, Rothrock contends the sentence is unreasonable because the district court overemphasized the Guidelines to the exclusion of other considerations mandated by § 3553. This contention is unsupported by the record. In any event, there is no plain error.

Rothrock finally claims the district court exceeded its authority by ordering his federal sentence to run consecutively to a not-yet-imposed state sentence (pending on a motion to revoke probation). As Rothrock concedes, this argument is foreclosed by our precedent. See **United States v. Brown**, 920 F.2d 1212, 1216-17 (5th Cir. 1991). (Moreover, after his federal sentence was imposed, the state court denied the motion to revoke probation.)

AFFIRMED