

May 2, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-11237
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDREA GARAY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:06-CR-62-1

Before HIGGINBOTHAM, WIENER, and PRADO, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Andrea Garay preserves for further review her contention that her sentence, based upon facts not alleged in the indictment or proven to a jury beyond a reasonable doubt, is unreasonable because this court's post-Booker** rulings have effectively reinstated the mandatory Sentencing Guideline regime condemned in Booker. Garay concedes that her argument is foreclosed by United States v. Mares, 402 F.3d 511 (5th Cir.), cert. denied, 126 S. Ct. 43

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

** United States v. Booker, 543 U.S. 220 (2005).

(2005), and its progeny, which have outlined this court's methodology for reviewing sentences for reasonableness. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.