

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2007

No. 06-11413
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MICHAEL A WATKINS

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CR-192-1

Before HIGGINBOTHAM, STEWART, and OWEN, Circuit Judges.

PER CURIAM:*

Michael A. Watkins appeals following the district court's resentencing of him for his conviction of one charge of possession of cocaine and methamphetamine with intent to distribute. Watkins argues that his sentence is unreasonable under the facts of the case, particularly the facts concerning his sentencing adjustment for a firearm, his criminal history, and the amount of drugs for which he was responsible. He vehemently contends that a lower sentence was appropriate and that his sentence is unreasonably high. Our

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

review of the record shows no clear error in connection with the district court's exercise of its broad sentencing discretion. See *United States v. Nikonova*, 480 F.3d 371, 376 (5th Cir. 2007), petition for cert. filed (May 21, 2007) (06-11834). Watkins has failed to show that his sentence is unreasonable.

Watkins challenges this court's jurisprudence affording a presumption of reasonableness to a sentence within the pertinent guidelines range. This challenge is unavailing. See *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007). Watkins also challenges the district court's denial of his motion to suppress. This challenge is, as he concedes, unavailing because it was decided adversely to him in his prior appeal. See *United States v. Becerra*, 155 F.3d 740, 752 (5th Cir. 1998), abrogation on other grounds recognized, *United States v. Farias*, 481 F.3d 289, 291-92 (5th Cir. 2007)..

Watkins has shown no error in connection with his sentence. Accordingly, the judgment of the district court is **AFFIRMED**.