

May 31, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-20124
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN DAVILA LECHUGA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:05-CR-302-1

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Martin Davila Lechuga appeals his sentence following his guilty-plea conviction for conspiracy to possess with intent to distribute 5 kilograms or more of cocaine.

Lechuga raises a single issue on appeal. He argues that a sentence within a properly calculated guidelines range, such as his sentence, is not entitled to a presumption of reasonableness. He concedes that this court held to the contrary in United States v. Alonzo, 435 F.3d 551, 554 (5th Cir. 2006). However, because at least one other circuit has declined to adopt a presumption of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

reasonableness, Lechuga asserts that a circuit split exists and that he is raising this issue to preserve it for further review by the Supreme Court.

This court must follow its own precedent unless it is overruled by this court en banc or by a decision of the Supreme Court. United States v. Mathena, [23 F.3d 87, 91](#) (5th Cir. 1994). Therefore, Lechuga's argument on appeal is foreclosed by this court's decision in Alonzo. See also United States v. Mares, [402 F.3d 511, 519](#) (5th Cir.) (stating that a sentence within a properly calculated guidelines range is entitled to great deference), cert. denied 126 S. Ct. 43 (2005).

AFFIRMED.