

July 11, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-41682
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SABAS PEREZ-BUSTOS, also known as Sabas Bustos,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:06-CR-594-1

Before JOLLY, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Sabas Perez-Bustos (Perez) preserves for further review his contention that his sentence is unreasonable because this court's post-Booker** rulings have effectively reinstated the mandatory Sentencing Guideline regime condemned in Booker. Perez concedes that his argument is foreclosed by United States v. Mares, 402 F.3d 511 (5th Cir. 2005), and its progeny, which have outlined this court's methodology for reviewing sentences for reasonableness.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

In light of Rita v. United States, ___ S. Ct. ___, 2007 WL 1772146 at *6-11 (2007), the issue remains foreclosed. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.