United States Court of Appeals
Fifth Circuit

F I L E D

August 3, 2007

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

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No. 06-41702
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

HECTOR GARZA FLORES,

Defendant-Appellant.

_____

Appeal from the United States District Court
for the Eastern District of Texas
(4:05-CR-96-36)

_____

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:[*]

Hector Garza Flores appeals the sentence imposed following his guilty plea to conspiracy to distribute or possess with intent to distribute gamma hydroxybutrate, methylenedioxy-methamphetamine, cocaine, cocaine base, methamphetamine, and marijuana. The Government has moved for summary affirmance. (The Government's alternative motion for an extension of time to file its brief is **DENIED** as unnecessary).

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Flores maintains his 210-month Guidelines sentence violates *United States v. Booker*, 543 U.S. 220 (2005) and is unreasonable. The presumption of reasonableness afforded a sentence within a properly calculated advisory Guidelines range is consistent with *Booker*. *See* *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007). The record reflects the district court considered Flores' claims, the presentence investigation report's recommendations, the applicable Guidelines range, and the 18 U.S.C. § 3553(a) factors. Because the district court exercised its discretion to impose a sentence within a properly calculated guidelines range, the sentence is presumptively reasonable, and we may infer that the district court considered all the factors for a fair sentence set forth in the Guidelines. *See* *Rita*, 127 S. Ct. 2462-70; *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006); *United States v. Mares*, 402 F.3d 511, 520 (5th Cir.), *cert. denied*, 126 S. Ct. 718 (2005).

SUMMARY AFFIRMANCE GRANTED;

JUDGMENT AFFIRMED