

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

September 26, 2007

Charles R. Fulbruge III  
Clerk

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No. 06-51671  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

HECTOR RICARDO ESCOBEDO, also known as Ricardo Escobedo

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:06-CR-180-ALL

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Before HIGGINBOTHAM, STEWART, and OWEN, Circuit Judges.

PER CURIAM:\*

Hector Ricardo Escobedo appeals the 18-month prison term imposed following his conviction of one charge of illegal reentry into the United States. Escobedo argues that his sentence is unreasonable under *United States v. Booker*, 543 U.S. 220 (2005), because the district court improperly weighted certain sentencing factors and failed to give an adequate explanation for its choice of sentence. He also challenges this court's application of a rebuttable

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

presumption of reasonableness to a sentence, such as his, that falls within the defendant's guidelines range.

These arguments lack merit. The record shows that the district court gave adequate, proper reasons for its choice of a sentence within the pertinent guidelines range. See *United States v. Nikonova*, 480 F.3d 371, 376 (5th Cir. 2007), petition for cert. filed (May 21, 2007) (06-11834); *United States v. Mares*, 402 F.3d 511, 518-19 (5th Cir.), cert. denied, 546 U.S. 828 (2005). Escobedo's challenge to the presumption of reasonableness is unavailing. See *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007); *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006).

Escobedo has shown no error in the judgment of the district court. Consequently, the Government's motion for summary affirmance is GRANTED, the Government's motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.