

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 7, 2007

Charles R. Fulbruge III
Clerk

No. 07-10055
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RAYMUNDO SANDOVAL

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:99-CR-73-ALL

Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Raymundo Sandoval appeals from the 60-month sentence imposed following the revocation of his term of supervised release, arguing that his sentence was unreasonable under *United States v. Booker*, 543 U.S. 220 (2005). The district court properly considered the 18 U.S.C. § 3553(a) factors when imposing Sandoval's sentence. See *United States v. Gonzalez*, 250 F.3d 923, 930 (5th Cir. 2001). Sandoval's sentence, which was the statutory maximum, was

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

neither unreasonable nor plainly unreasonable. See *United States v. Hinson*, 429 F.3d 114, 120 (5th Cir. 2005).

Sandoval also argues that the district court violated the Sixth Amendment when it revoked his release and imposed an additional prison term based on facts found only by a preponderance of the evidence. Sandoval acknowledges that this argument is foreclosed by *Hinson*, 429 F.3d at 119, but raises it to preserve it for further review.

Accordingly, the judgment of the district court is **AFFIRMED**.