

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

February 20, 2008

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 07-10385

Conference Calendar  
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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

WILFORD MENTESANA

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:06-CR-230-ALL  
\_\_\_\_\_

Before KING, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Wilford Montesana appeals the 60-month sentence imposed following his guilty plea to a single count of bank robbery. Montesana argues that the sentence was unreasonable because the district court did not articulate the reasons for choosing a sentence within the guidelines range, considering the sentencing factors in 18 U.S.C. § 3553(a). He does not assert that the district court either improperly calculated the sentencing guidelines range or imposed a sentence that was not within the range.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mentesana argues correctly that the sentencing court has a duty to consider the § 3553 factors, as well as a duty to correctly determine the applicable guidelines range. See *United States v. Mares*, 402 F.3d 511, 518-19 (5th Cir. 2005). A discretionary sentence imposed within a properly calculated guidelines range is presumptively reasonable. *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). Contrary to Mentesana's assertion that the district court failed to articulate an adequate explanation for the sentence imposed, the district court specifically considered the nature and circumstances of the offense, the seriousness of the offense, the need to promote respect for the law, the need to protect the public from harm, the need to provide the offender with education or training, and the need to avoid an unwarranted sentencing disparity in declining to impose a lesser sentence. The district court noted that it had listened to Mentesana's argument and evidence. The transcript of sentencing makes clear that the district court sufficiently considered Mentesana's arguments. See *Rita v. United States*, 127 S. Ct. 2456, 2469 (2007); see also *Gall v. United States*, 128 S. Ct. 586, 602 (2007).

The Government's motion for summary affirmance is GRANTED. The Government's alternative motion for an extension of time is DENIED. The judgment of the district court is AFFIRMED.