

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 26, 2008

Charles R. Fulbruge III
Clerk

No. 07-30754
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CHRIS WALKER

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:05-CR-297-1

Before JONES, Chief Judge, and STEWART and OWEN, Circuit Judges.

PER CURIAM:*

Chris Walker appeals his sentence of life imprisonment under 21 U.S.C. § 841 following his guilty plea conviction for conspiracy to distribute and possess with the intent to distribute cocaine base, cocaine hydrochloride, and marijuana and possession with the intent to distribute cocaine base, cocaine hydrochloride, and marijuana. He argues that the district court erred in enhancing his sentence under § 841 based on his prior state conviction for distribution of marijuana because the conviction resulted from a plea of nolo contendere.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Walker contends that an admission of guilt is necessary to constitute a conviction within the meaning of § 841.

This court need not address Walker's contention, which seeks a construction of the § 841 enhancement provision. The district court rendered an alternative sentence after it properly calculated Walker's guidelines range and imposed a sentence within the guidelines range. Thus, Walker's sentence of life imprisonment founded on the guidelines is entitled to a presumption of reasonableness. See *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). Nothing in the record indicates that the court committed procedural error in calculating the Guidelines, and the sentence is substantively reasonable. See *Gall v. United States*, 128 S. Ct. 586, 597 (2007).¹

Accordingly, the judgment of the district court is AFFIRMED.

¹Walker does not challenge the sentences imposed at the same time on his other charges.