

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 11, 2008

Charles R. Fulbruge III
Clerk

No. 07-40198
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

GUSTAVO BUSTOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 7:06-CR-594-3

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Gustavo Bustos appeals the sentence imposed following his guilty plea to conspiracy to possess with intent to distribute marihuana. He argues that his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sentence is unreasonable.

Bustos was sentenced within the applicable guideline sentencing range, and his sentence is presumptively reasonable. See *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). He presented no argument in the district court in mitigation of sentence. Moreover, that court adequately explained its reasoning for the sentence. See *Rita v. United States*, 127 S. Ct. 2456, 2468 (2007). Bustos has not rebutted the presumption of reasonableness applicable to his within-guidelines sentence, and the district court did not abuse its discretion. See *Gall v. United States*, 128 S. Ct. 586, 597 (2007).

AFFIRMED.