

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 10, 2008

No. 07-40474
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ROSA CHAVERO

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:06-CR-792-1

Before JONES, Chief Judge, and CLEMENT and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Rosa Chavero was convicted of one count of possession of more than 50 grams of methamphetamine with intent to distribute and was sentenced to serve 150 months in prison. She now appeals her sentence.

Under the discretionary sentencing system established by *United States v. Booker*, 543 U.S. 220 (2005), district courts retain the duty to properly calculate and consider the applicable sentencing range under the Sentencing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Guidelines, along with the sentencing factors set forth in 18 U.S.C. § 3553(a), when fashioning a sentence. *United States v. Mares*, 402 F.3d 511, 518-19 (5th Cir. 2005). When reviewing a sentence, we typically consider whether the district court committed procedural error at sentencing and whether the sentence imposed is substantively reasonable. See *Gall v. United States*, 128 S. Ct. 586, 594 (2007). Further, the district court's sentencing decision is ultimately reviewed for an abuse of discretion. *Id.*; see also *United States v. Gomez-Herrera*, ___ F. 3d ___, 2008 WL 886091 at *8 (5th Cir. Apr. 3, 2008).

Chavero argues that the district court erred at sentencing by presuming that the recommended guidelines range was reasonable. She further contends that this error is not harmless, and she requests resentencing. Our examination of the record controverts Chavero's assertions and does not support her conclusion that the district court applied a presumption of reasonableness to the applicable guidelines sentencing range.

Chavero has shown no error in connection with her conviction or sentence. Accordingly, the judgment of the district court is **AFFIRMED**.