

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 26, 2007

Charles R. Fulbruge III
Clerk

No. 07-50140
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JIM DANIEL THOMPSON

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:06-CR-244-ALL

Before JOLLY, DENNIS and PRADO, Circuit Judges.

PER CURIAM:*

Jim Daniel Thompson appeals his sentence for possessing with intent to distribute five grams or more of cocaine base. He was sentenced above his 92- to 115-month guideline range to 150 months of imprisonment. He argues that the district court, misapplying 18 U.S.C. § 3553(a), imposed an unreasonable sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Citing Thompson's extensive criminal history, his lack of respect for the law, the need to deter him from future criminal conduct, and the need to protect the public, the district court did not misapply § 3553(a). See *United States v. Zuniga-Peralta*, 442 F.3d 345, 347-48 (5th Cir. 2006). Thompson has not shown that his sentence is unreasonable. See *id.* (affirming upward departure to 60-month sentence where maximum guideline range sentence was 33 months); accord *United States v. Smith*, 417 F.3d 483, 485-86 (5th Cir. 2005) (affirming upward departure to 120-month sentence where maximum guideline range sentence was 41 months).

AFFIRMED.