

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 25, 2008

Charles R. Fulbruge III
Clerk

No. 07-50506
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MIGUEL ANGEL VILLA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:06-CR-2519-ALL

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Miguel Angel Villa appeals the 18-month sentence imposed following his guilty-plea conviction for violating 8 U.S.C. § 1326. Villa argues that the district court imposed an unreasonable sentence because his illegal reentry offense did not pose a danger to the public, he only returned to the United States in order to retrieve personal effects from his girlfriend, who had been murdered, and the additional criminal history points that he received for having committed this offense while on supervised release from his prior illegal reentry offense

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

rendered the advisory Guidelines range too high, particularly in light of the 11-month sentence that he received for the revocation of his supervised release.

We review the sentence imposed by the district court for abuse of discretion. *Gall v. United States*, __ S. Ct. __, 2007 WL 4292116 * 7 (Dec. 10, 2007). Villa does not contend that the district court erred in calculating the advisory guidelines range. Where the district court exercises its discretion to impose a sentence within a properly calculated guidelines range, the sentence is presumptively reasonable. See *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007). Here, the record reflects that the district court considered Villa's arguments, the recommendations of the presentence report, the applicable guidelines range, and the factors in 18 U.S.C. § 3553(a). Villa has not shown that the district court abused its discretion by imposing a sentence within the advisory guidelines range. See *Rita*, 127 S. Ct. at 2470.

AFFIRMED.