

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

April 17, 2008

\_\_\_\_\_  
No. 07-50784  
Summary Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

TEODORO MORENO-MONTENEGRO

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:07-CR-140-ALL  
\_\_\_\_\_

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Teodoro Moreno-Montenegro (Moreno) appeals the 57-month sentence imposed following his guilty-plea conviction for illegal reentry following removal. He asserts that his sentence, imposed within the applicable sentencing guideline range, is unreasonable because of his uncontradicted evidence that he had returned to the United States to attend his son's birthday and baptism and that he intended to return to Mexico after the event.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

There is no evidence that the district court committed a significant procedural error at sentencing. See *Gall v. United States*, 128 S. Ct. 586, 597 (2007). Where, as here, the district court imposes a sentence within a properly calculated guideline range, the sentence is entitled to a rebuttable presumption of reasonableness. See *United States v. Alonzo*, 435 F.3d 551, 553-54 (5th Cir. 2006); see also *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007). Moreno has failed to demonstrate that his sentence is unreasonable. See *Gall*, 128 S. Ct. at 597. The judgment of the district court is AFFIRMED.