

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 28, 2008

Charles R. Fulbruge III
Clerk

No. 07-50855
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ROBERTO ZAMORA JR

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:05-CR-332-1

Before STEWART, OWEN and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Roberto Zamora, Jr., appeals the 210-month term of imprisonment and five-year term of supervised release imposed following his guilty plea for conspiracy to distribute and possession with intent to distribute in excess of five kilograms of cocaine. Zamora argues that his sentence is unreasonable because it is greater than necessary to satisfy the sentencing goals of 18 U.S.C. § 3553(a). He argues that sentence is not necessary to protect the public or to prevent him

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

from committing future crimes because of his age, health, and family responsibilities.

The district court committed no significant procedural error as it properly calculated the applicable guidelines range, allowed the parties to present arguments as to what they believed the appropriate sentence should be, and implicitly considered the § 3553(a) factors. Where, as here, the district court imposed a sentence within a properly calculated guidelines 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). Zamora has failed to demonstrate that the district court abused its discretion or that the sentence is unreasonable. See *Gall v. United States*, 128 S. Ct. 586, 597 (2007). Accordingly, the judgment of the district court is AFFIRMED.