

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 8, 2008

No. 08-10204
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MIGUEL ANGEL GUZMAN

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CR-152-ALL

Before JOLLY, BARKSDALE, and HAYNES, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Miguel Angel Guzman raises arguments that he concedes are foreclosed by *United States v. Gomez-Herrera*, 523 F.3d 554, 557-64 (5th Cir.), petition for cert. filed (July 2, 2008) (No. 08-5226) which held that any disparity in sentencing between fast-track and non-fast-track jurisdictions is a function of Congressional policy and is not “unwarranted” under 18 U.S.C. § 3553(a)(6). He also raises arguments that are foreclosed by *United States v. Lopez-Velasquez*, 526 F.3d 804, 808 (5th Cir.),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

petition for cert. filed (July 25, 2008) (No. 08-5514) which held that the lack of a fast-track program does not result in a violation of equal protection rights. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.