

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 30, 2009

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No. 08-51148  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DELBERT JAMES RATLIFF

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:08-CR-123-1

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Before DAVIS, BARKSDALE and PRADO, Circuit Judges.

PER CURIAM:\*

Delbert James Ratliff appeals the 262-month sentence imposed following his guilty plea to conspiring to manufacture 50 grams or more of methamphetamine and possessing pseudoephedrine with the intent to manufacture methamphetamine. On appeal, Ratliff argues that his sentence is procedurally and substantively unreasonable. Ratliff contends that when fashioning his sentence, the district court did not consider all of the 18 U.S.C.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 3553(a) factors. Ratliff further contends that his sentence of imprisonment was greater than necessary to accomplish the goals of sentencing listed in § 3553(a).

This court reviews the procedural and substantive reasonableness of a sentence for an abuse of discretion. *Gall v. United States*, 128 S. Ct. 586, 597 (2007). The district court sentenced Ratliff to a within-guidelines sentence of 262 months of imprisonment. A review of the record reveals that the district court listened to and considered Ratliff's arguments and that the district court's choice of sentence was properly based on several of the § 3553(a) factors. The district court did not stress one factor over another. Ratliff's within-guidelines sentence is entitled to a rebuttable presumption of reasonableness. *See United States v. Campos-Maldonado*, 531 F.3d 337, 338 (5th Cir.), *cert. denied*, 129 S. Ct. 328 (2008).

Because Ratliff has not shown that his sentence is procedurally or substantively unreasonable, the judgment of the district court is AFFIRMED.