

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

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2010

No. 09-30510

Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICO DEANGELO LAWRENCE,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:08-CR-337-1

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:*

Rico Deangelo Lawrence appeals the 70-month within-guidelines sentence imposed after he pleaded guilty to conspiracy to distribute and to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine hydrochloride (powder cocaine). Lawrence argues that the sentence is substantively unreasonable and that a 60-month sentence would more adequately address the factors set forth in 18 U.S.C. § 3553(a)(1), (2), and (4).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The record shows that the district court based Lawrence's sentence on the advisory guidelines range, the information in the presentence report, and the 18 U.S.C. § 3553(a) factors. The court considered Lawrence's arguments for a sentence at the bottom of the guidelines range and the Government's arguments against such a sentence and determined that a 70-month sentence was appropriate. Lawrence is essentially asking this court to substitute his assessment of the appropriate sentence for that of the district court, which we will not do. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Campos-Maldonado*, 531 F.3d 337, 339 (5th Cir.), *cert. denied*, 129 S. Ct. 328 (2008). He has not established that the district court abused its discretion in imposing his sentence, and he has not rebutted the presumption that his within-guidelines sentence was reasonable. *See Gall*, 552 U.S. at 50-51; *United States v. Cisneros-Gutierrez*, 517 F.3d 751, 764 (5th Cir. 2008). The district court's judgment is AFFIRMED.