

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

United States Court of Appeals  
Fifth Circuit

**FILED**

May 17, 2011

Lyle W. Cayce  
Clerk

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No. 10-10926  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ORLEAN ARTURO VELASQUEZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:10-CR-66-6

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Before DAVIS, SMITH and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Orlean Arturo Velasquez appeals the sentence imposed for conspiring to possess with intent to distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846. The district court sentenced him to 135 months of imprisonment and five years of supervised release.

There was no error, plain or otherwise, in the district court's application of the drug Guideline, U.S.S.G. § 2D1.1, rather than the robbery Guideline, § 2B3.1, to calculate the guidelines range. *See* § 1B1.2(a); U.S. SENTENCING

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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GUIDELINES MANUAL app. A, pp. 556-57 (2009); *cf. United States v. Loe*, 248 F.3d 449, 463 (5th Cir. 2001).

Velasquez has failed to rebut the presumption of reasonableness that we apply to his guidelines sentence and, therefore, has shown no error with respect to the substantive reasonableness of his sentence. *See United States v. Campos-Maldonado*, 531 F.3d 337, 338 (5th Cir. 2008).

The judgment of the district court is AFFIRMED.