

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

United States Court of Appeals
Fifth Circuit

FILED

June 21, 2011

Lyle W. Cayce
Clerk

No. 10-20596

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TRANSITO VILLEGAS-VALDEZ, also known as Transito Villegas, also known as Transito Villegas Valdez, also known as Transito Valdez Villegas, also known as Victor Villegas,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-153-1

Before JONES, Chief Judge, and STEWART and SOUTHWICK, Circuit Judges.
PER CURIAM:*

Transito Villegas-Valdez pleaded guilty to being illegally present in the United States following deportation. The district court imposed a below-guidelines sentence of 51 months in prison, taking into account the time Villegas-Valdez had served in state custody. Villegas-Valdez appeals, contending that the lack of a fast-track disposition program in the Houston

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Division of the Southern District of Texas results in an unwarranted disparity between his sentence and the sentences of those convicted in divisions and districts having such programs. He maintains that such a disparity makes his sentence unreasonable. As he concedes, his argument is foreclosed by our decision in *United States v. Gomez-Herrera*, 523 F.3d 554, 562-63 (5th Cir. 2008), and he raises it only to preserve it for further review. Consequently, the judgment of the district court is AFFIRMED.