

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

United States Court of Appeals
Fifth Circuit

FILED
July 31, 2012

No. 11-10866
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SANTIAGO VALDEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:11-CR-65-2

Before BENAVIDES, STEWART, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Santiago Valdez appeals from the 360-month sentence imposed following his guilty plea conviction for conspiracy to distribute more than 500 grams of cocaine. He argues that his sentence, which was enhanced pursuant to U.S.S.G. § 4B1.1 based on Valdez's status as a career offender, violates the Eighth Amendment because it was cruel and unusual punishment, disproportionate to his offense, and essentially amounted to a life sentence based on his age. Valdez has not shown that his sentence is grossly disproportionate to the crime. He

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-10866

committed the instant offense after two prior felony convictions; was sentenced as a recidivist; was held responsible in the instant case for heroin, cocaine, and cocaine base equivalent to 8,517.57 kilograms of marijuana; and has failed to set forth any cogent argument regarding the disproportionality of his sentence. *See Rummel v. Estelle*, 445 U.S. 263, 284-85 (1980).

AFFIRMED.