

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

United States Court of Appeals
Fifth Circuit

FILED

December 16, 2011

Lyle W. Cayce
Clerk

No. 11-50324
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAMES BROWN,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 2:10-CR-78-1

Before BENAVIDES, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

James Brown appeals the 151-month sentence imposed following his guilty plea conviction for conspiracy to possess and possession with intent to distribute more than 50 kilograms of marijuana. He argues that his sentence was greater than necessary to meet the sentencing goals in 18 U.S.C. § 3553(a). Brown asserts that application of the career offender enhancement yielded an advisory guidelines range that overstated the seriousness of his offenses and did not properly account for the § 3553(a) factors. He also argues that the sentence fails

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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to account for mitigating factors in his personal history and characteristics, particularly his problems with substance abuse.

Brown does not dispute the calculation of the guidelines range. Rather, he challenges the reasonableness of the sentence imposed. Where the district court imposes a sentence within a properly calculated guidelines range, it is presumptively reasonable. *See United States v. Campos-Maldonado*, 531 F.3d 337, 338 (5th Cir. 2008). Here, the district court considered Brown's arguments for a lower sentence and made an individualized sentencing decision based on the facts of the case and in light of the § 3553(a) factors. *See Gall v. United States*, 552 U.S. 38, 49-50 (2007). Brown's sentence is presumed to be reasonable because it was within his guidelines range, and he has not shown sufficient reason for this court to disturb that presumption. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). Thus, he has not shown error, plain or otherwise, with respect to the sentence imposed. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 360-61 (5th Cir. 2009).

AFFIRMED.