

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

United States Court of Appeals
Fifth Circuit

FILED

February 17, 2012

Lyle W. Cayce
Clerk

No. 11-50640
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE LUIS REA-BELTRAN,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:11-CR-482-1

Before HIGGINBOTHAM, GARZA, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Jose Luis Rea-Beltran presents arguments that he concedes are foreclosed by *United States v. Gomez-Herrera*, 523 F.3d 554, 562-63 (5th Cir. 2008), which held that the disparity in sentences that occurs because some defendants can participate in a fast-track program while others cannot is not “unwarranted” within the meaning of 18 U.S.C. § 3553(a)(6). The Government’s motion for summary affirmance is GRANTED,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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the Government's alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.