

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

No. 13-50151
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 15, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CANDIDA ORTIZ,

Defendant-Appellant

Cons. w/ No. 13-50152

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CANDIDA CAROLINA ORTIZ,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 3:12-CR-2828-1
USDC No. 3:12-CR-387-1

No. 13-50151
c/w No. 13-50152

Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Candida Ortiz was convicted of importing marijuana, importing heroin, and possessing with intent to distribute heroin. She now challenges her sentence as unreasonable. Under Ortiz’s view, her sentence is greater than necessary to achieve the aims of 18 U.S.C. § 3553(a) because the below-guidelines sentence failed to take into account her history and characteristics, namely, her difficult past and history of drug abuse.

Because Ortiz did not object to her sentence, we review her argument for plain error only. *See United States v. Peltier*, 505 F.3d 389, 391-92 (5th Cir. 2007). Under this standard, the appellant must show a forfeited error that is clear or obvious and that affects her substantial rights. *Puckett v. United States*, 556 U.S. 129, 134-35 (2009). If she makes such a showing, this court has the discretion to correct the error but will do so only if it seriously affects the fairness, integrity, or public reputation of judicial proceedings. *Id.* This standard has not been met.

Insofar as Ortiz argues that the district court erred by not according enough weight to certain sentencing factors, this argument amounts to no more than a disagreement with the district court’s weighing of these factors, which shows no error in connection with the sentence imposed. *See United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009). To the extent she contends that this court should reweigh the § 3553(a) factors, we decline to do so. *See United States v. Campos-Maldonado*, 531 F.3d 337, 339 (5th Cir. 2008); *see also Gall v. United States*, 552 U.S. 38, 51 (“The fact that the appellate court might

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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reasonably have concluded that a different sentence was appropriate is insufficient to justify reversal of the district court.”). The judgment of the district court is AFFIRMED.