

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

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No. 14-51226  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 5, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PORFIRIO LOPEZ-VENCES,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:14-CR-267

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Before ELROD, SOUTHWICK, and GRAVES, Circuit Judges.

PER CURIAM:\*

Porfirio Lopez-Vences (Lopez), who was convicted of one count of illegal reentry, appeals his within-guidelines sentence of 24 months of imprisonment. This court reviews the substantive reasonableness of a sentence for an abuse of discretion. *Gall v. United States*, 552 U.S. 38, 51 (2007). “A discretionary sentence imposed within a properly calculated guidelines range is presumptively reasonable.” *United States v. Campos-Maldonado*, 531 F.3d

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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337, 338 (5th Cir. 2008). However, to the extent that Lopez failed to object to his sentence in the district court, this court reviews for plain error only. *See United States v. Peltier*, 505 F.3d 389, 391-92 (5th Cir. 2007).

We have rejected the arguments that U.S.S.G. § 2L1.2 improperly double counts prior convictions and that it lacks an empirical basis. *United States v. Duarte*, 569 F.3d 528, 529-31 (5th Cir. 2009). This court has also rejected substantive reasonableness challenges based on the alleged lack of seriousness of illegal reentry. *United States v. Juarez-Duarte*, 513 F.3d 204, 212 (5th Cir. 2008); *United States v. Aguirre-Villa*, 460 F.3d 681, 683 (5th Cir. 2006). The district court sentenced Lopez within the guidelines range after listening to his mitigating arguments, and the “sentencing judge is in a superior position to find facts and judge their import under [18 U.S.C.] § 3553(a) with respect to a particular defendant.” *United States v. Campos-Maldonado*, 531 F.3d 337, 339 (5th Cir. 2008). In short, Lopez has failed to show that the district court committed any error, plain or otherwise.

AFFIRMED.