

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

United States Court of Appeals  
Fifth Circuit

**FILED**

September 15, 2015

Lyle W. Cayce  
Clerk

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No. 15-10257  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROBERTO BERRONES-VARGAS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:14-CR-59-1

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Before REAVLEY, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:\*

Roberto Berrones-Vargas appeals the 71-month within-guidelines sentence he received following his guilty plea to illegal reentry, in violation of 8 U.S.C. § 1326. For the first time on appeal, he contends that his sentence is procedurally unreasonable because the district court failed to adequately explain the reasons for the sentence imposed, specifically failing to address his mitigation arguments.

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Because Berrones-Vargas did not raise the objection below, review is for plain error only. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009). To establish plain error, Berrones-Vargas must show a forfeited error that is clear or obvious and that affects his substantial rights. *Puckett v. United States*, 556 U.S. 129, 135 (2009). Even if he 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.*

Given that the sentence imposed was within the guidelines range, little explanation of the sentence was required, and the district court's statement, in response to Berrones-Vargas's plea for a more lenient sentence, that a sentence at the high end of the guidelines range was necessary for just punishment and deterrence, was sufficiently explanatory. *See Rita v. United States*, 551 U.S. 338, 356-57 (2007). Moreover, even if it is assumed that the district court's statement amounted to clear or obvious error, the error is not reversible given that Berrones-Vargas has not shown that his substantial rights were affected. *See United States v. Whitelaw*, 580 F.3d 256, 262-63 (5th Cir. 2009); *Mondragon-Santiago*, 564 F.3d at 365.

The judgment of the district court is AFFIRMED.