

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

No. 15-40401
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 5, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

JOSE URBANO CORTINAS,

Defendant–Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:11-CR-1084-2

Before KING, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Jose Urbano Cortinas appeals the 262-month sentence imposed for his conviction for conspiracy to possess with intent to distribute five kilograms or more of cocaine. He argues that the sentence is procedurally unreasonable because the district court failed to consider his cooperation with the Government under 18 U.S.C. § 3553(a).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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There is no indication that the district court thought it lacked the authority to vary downward to account for Cortinas's cooperation. *See United States v. Robinson*, 741 F.3d 588, 599, 601 (5th Cir. 2014). In his written objections to the presentence report, Cortinas advised the district court of its authority to consider cooperation under § 3553(a). Moreover, at the sentencing hearing, the district court listened to Cortinas's explanations of his cooperation with the Government and explicitly stated that it was considering the evidence, along with the § 3553(a) sentencing factors. The district court's references to a possible reduction of sentence under Federal Rule of Criminal Procedure 35 for substantial assistance do not establish that it ignored its authority to consider Cortinas's cooperation under § 3553(a).

AFFIRMED.