

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

No. 15-51160
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 2, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN DIAZ-REBOLLAR,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:15-CR-382-1

Before BENAVIDES, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Juan Diaz-Rebollar challenges the 60-month term of imprisonment imposed following his guilty-plea conviction of illegal reentry, in violation of 8 U.S.C. § 1326. He argues that the non-guidelines sentence, which is above the advisory guidelines range of 21 to 27 months, is unreasonable and greater than necessary to satisfy the sentencing goals of 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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This court reviews the sentence for substantive reasonableness under the abuse-of-discretion standard. *Gall v. United States*, 552 U.S. 38, 51 (2007). In Diaz-Rebollar's case, the district court properly calculated the advisory guidelines sentence, allowed the parties to present argument, and considered the § 3553(a) factors in light of his personal characteristics, criminal history, and the need for the sentence to deter criminal conduct. *See Gall*, 552 U.S. at 53; § 3553(a). Additionally, this court has upheld above-guidelines sentences of similar or greater magnitudes. *See United States v. Jones*, 444 F.3d 430, 433, 442 (5th Cir. 2006); *United States v. Smith*, 417 F.3d 483, 492 (5th Cir. 2005); *United States v. Daughenbaugh*, 49 F.3d 171, 174-75 (5th Cir. 1995).

The judgment of the district court is AFFIRMED.