

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

No. 16-20157
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 3, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LUIS JORGE HERNANDEZ TAMAYO, also known as Luis Jorge Hernandez,
also known as Luis Hernandez, also known as Luis Jorg Hernandez,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CR-571-1

Before HIGGINBOTHAM, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

Luis Jorge Hernandez Tamayo appeals the 23-month sentence he received following his guilty plea conviction for illegal reentry. He contends that the district court failed to provide sufficient reasons for imposing a within-guidelines sentence in light of his request for a downward departure. Because Hernandez Tamayo did not preserve this objection in the district court, we

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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review for plain error. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 364 (5th Cir. 2009). He must therefore show a forfeited error that is clear or obvious and that affects his substantial rights. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). If Hernandez Tamayo makes such a showing, this court has the discretion to correct the error but only if it seriously affects the fairness, integrity, or public reputation of judicial proceedings. *See id.*

The district court provided brief but sufficient reasons for imposing the 23-month sentence. *See Rita v. United States*, 551 U.S. 338, 358 (2007). Additionally, nothing in the record indicates that Hernandez Tamayo's sentence would have been different if the court had provided more explanation of its chosen sentence. *See Mondragon-Santiago*, 564 F.3d at 363-64. Accordingly, the judgment of the district court is AFFIRMED.