

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

No. 16-40179
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 2, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JULIAN DOMINGUEZ,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 2:15-CR-818-1

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

Julian Dominguez appeals the 34-month, below-guidelines prison sentence he received following his plea of guilty to illegally reentering the United States. In this court, he argues that the district court erred at sentencing by prohibiting counsel's argument regarding cultural assimilation when such arguments are permitted by the commentary to U.S.S.G. § 2L1.2.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Although he contends that the district court curtailed counsel's arguments, Dominguez presented facts regarding his cultural assimilation to the court on his own behalf and has furnished no additional facts that he was prohibited from presenting. Furthermore, in imposing a below-guidelines sentence, the district court acknowledged Dominguez's assimilation arguments and explicitly relied on Dominguez's community ties. *See* § 2L1.2, comment. (n.9). Dominguez has shown no error, plain or otherwise. *See United States v. Rodriguez*, 523 F.3d 519, 525 (5th Cir. 2008). Thus, his sentence is AFFIRMED.