

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

No. 17-10347
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 29, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR MANUEL DIAZ-GOMEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:16-CR-66-1

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

After Defendant-Appellant Victor Manuel Diaz-Gomez pleaded guilty to illegal reentry after deportation, the district court varied upward from the guidelines range and sentenced him to an 18-month term of imprisonment and a one-year period of supervised release. Diaz-Gomez contends that the sentence was substantively unreasonable and that the district court's balancing of the sentencing factors involved a clear error of judgment.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 17-10347

We review sentences for procedural error and substantive reasonableness under an abuse of discretion standard. *United States v. Johnson*, 619 F.3d 469, 471-72 (5th Cir. 2010); *see also United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006). Having reviewed the arguments presented by Diaz-Gomez and the Government and pertinent portions of the record on appeal, we defer to the district court's determination of an appropriate sentence in this case. *See United States v. Brantley*, 537 F.3d 347, 349 (5th Cir. 2008). The judgment is AFFIRMED.