

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

No. 18-10219
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 9, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUSTIN ARNOLD CASTRO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CR-157-5

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:*

Justin Arnold Castro appeals the within-guidelines, 120-month sentence imposed following his guilty plea conviction for conspiracy to possess with the intent to distribute methamphetamine. He now argues that the sentence is substantively unreasonable because it is greater than necessary to achieve the sentencing purposes of 18 U.S.C. § 3553(a). Castro concedes that the argument

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 18-10219

is raised for the first time on appeal, and he moves for summary disposition, urging that it is foreclosed by this court's precedent.

Summary disposition is not appropriate in the instant case because counsel does not raise an argument that is squarely foreclosed by Circuit precedent. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Nevertheless, Castro's argument that his sentence is substantively unreasonable is unavailing. The record in the instant case demonstrates that the district court made an individualized assessment to determine whether a sentence within the guidelines range was sufficient but not greater than necessary to achieve the goals of § 3553(a). Castro makes no argument that the district court failed to consider a significant factor, considered an improper factor, or made a clear error of judgment in balancing the relevant sentencing factors, and he therefore fails to rebut the presumption of reasonableness applicable to his within-guidelines sentence. *See United States v. Jenkins*, 712 F.3d 209, 214 (5th Cir. 2013). His mere disagreement with the sentence imposed does not warrant reversal. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

Accordingly, the district court's judgment is AFFIRMED. The motion for summary disposition is DENIED.