IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-30428
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

BRUCE DALIET,

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:17-CR-90-2

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:[*]

Bruce Daliet pleaded guilty to one count of possessing more than 15 counterfeit and unauthorized access devices in violation of 18 U.S.C. § 1029. The district court sentenced him within the advisory Sentencing Guidelines range to 30 months of imprisonment. In his sole issue on appeal, he renews his preserved objection to the substantive reasonableness of the sentence.

A sentence "imposed within a properly calculated guidelines range is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

presumptively reasonable" and is reviewed for abuse of discretion. *United States v. Jenkins*, 712 F.3d 209, 214 (5th Cir. 2013) (internal quotation marks and citation omitted). "The presumption is rebutted only upon a showing that the sentence does not account for a factor that should receive significant weight, it gives significant weight to an irrelevant or improper factor, or it represents a clear error of judgment in balancing sentencing factors." *Id.* (internal quotation marks and citation omitted). Mere disagreement with the sentence selected by the district court "is insufficient to justify reversal." *Gall v. United States*, 552 U.S. 38, 51 (2007).

The district court correctly calculated Daliet's guidelines range, considered the parties' arguments and the relevant section 3553(a) sentencing factors, and imposed a substantively reasonable within-guidelines sentence. We are unpersuaded by Daliet's argument that the district court erred by imposing a sentence within a guidelines range that overstated the seriousness of his offense because it was calculated based on an estimate of the intended loss that exceeded the actual loss. *See United States v. Hoffman*, 901 F.3d 523, 558 (5th Cir. 2018) ("The Guidelines say to use intended loss when that is greater than actual loss, the reason being that a fraudster's intent reflects his culpability.") (citations omitted). Accordingly, Daliet articulates only a disagreement with his sentence, which is insufficient to demonstrate error. *See Gall*, 552 U.S. at 51; *Jenkins*, 712 F.3d at 214.

AFFIRMED.