

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 13, 2021

Lyle W. Cayce
Clerk

No. 20-10930
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JESUS LOPEZ-MEJIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:19-CR-592-1

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Jesus Lopez-Mejia challenges his 75-month sentence of imprisonment imposed following his guilty plea conviction for illegal reentry after removal from the United States.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10930

Because Lopez-Mejia “advocate[d] for a sentence shorter than the one ultimately imposed,” he preserved his challenge to the substantive reasonableness of the sentence. *Holguin-Hernandez v. United States*, 140 S. Ct. 762, 766-67 (2020). Accordingly, we review for abuse of discretion. *United States v. Johnson*, 619 F.3d 469, 472 (5th Cir. 2010).

The record does not show that the district court failed to account for a factor that should have received significant weight, gave significant weight to an irrelevant or improper factor, or committed a clear error of judgment in balancing the 18 U.S.C. § 3553(a) factors. *See United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006). Rather, the court considered the parties’ arguments, Lopez-Mejia’s allocution, and his criminal history. Lopez-Mejia’s arguments amount to no more than a request for this court to reweigh the § 3553(a) factors, which this court will not do as the district court is “in a superior position to find facts and judge their import under § 3553(a) with respect to a particular defendant.” *United States v. Campos-Maldonado*, 531 F.3d 337, 339 (5th Cir. 2008) (per curiam). Under the totality of the circumstances, the sentence is reasonable. *See United States v. Gerezano-Rosales*, 692 F.3d 393, 400 (5th Cir. 2012). Accordingly, the judgment of the district court is AFFIRMED.