

FILED

May 2, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40727
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARIO CORTEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(7:05-CR-614-ALL)

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Mario Cortez appeals the 70-month term of imprisonment imposed after his guilty plea to taking a vehicle by force, in violation of 18 U.S.C. § 2119. Cortez claims the district court reversibly erred by imposing a Guidelines sentence without considering his troubled and violent youth in the light of the sentencing factors listed in 18 U.S.C. § 3553(a).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

After ***United States v. Booker***, 543 U.S. 220 (2005), sentences are reviewed only for unreasonableness; nevertheless, a district court has a duty to consider the § 3553(a) factors as well as a duty to correctly determine the applicable Guidelines range. *E.g.*, ***United States v. Mares***, 402 F.3d 511, 518-19, *cert. denied*, 126 S. Ct. 43 (2005). If, in the exercise of discretion, the district court imposes a sentence within a properly calculated Guidelines range, little explanation is required, and this court will infer that the district court considered all of the factors for a fair sentence set for in the Guidelines. ***Id.*** at 519. Given the deference due the district court's discretion under the ***Booker*** regime, "it will be rare for a reviewing court to say such a sentence is 'unreasonable'". ***Id.***

The record reflects that the district court considered the relevant statutory sentencing factors. Cortez has not shown that the sentence was unreasonable or that this court should not defer to the district court's determinations at sentencing. ***Id.***

AFFIRMED