

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 16, 2011

Lyle W. Cayce  
Clerk

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No. 10-10389  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MIYOSHIA WYLYNN NANCE, also known as Yodie,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:09-CR-115-17

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Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:\*

Miyoshia Wylynn Nance appeals the 240-month sentence she received following her guilty plea conviction for maintaining a drug premises. She asserts that her sentence, despite being the applicable guidelines sentence, was substantively unreasonable because the district court failed to take into account her history of mental illness. Nance also maintains that the district court overemphasized the nature of the offense.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Because Nance did not object to the imposed sentence as unreasonable, we review this claim for plain error. *See United States v. Peltier*, 505 F.3d 389, 391-92 (5th Cir. 2007). Nance's disagreement with the guidelines sentence imposed does not suffice to rebut the presumption of reasonableness. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Campos-Maldonado*, 531 F.3d 337, 338 (5th Cir. 2008); *United States v. Gomez-Herrera*, 523 554, 565-66 (5th Cir. 2008). The statements of the district court reflect that it took into account the applicable 18 U.S.C. § 3553(a) factors, including Nance's mental problems. Consequently, the judgment of the district court is AFFIRMED.