

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

United States Court of Appeals  
Fifth Circuit

**FILED**

July 21, 2011

Lyle W. Cayce  
Clerk

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No. 10-20704  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR ALFONSO GAONA DELGADO, also known as Miguel Angel Trevino, also known as Victor Alfonso Gaona, also known as Victor Alfonso Gaona-Delgado, also known as Victor Gaona Delgado, also known as Miguel Trevino, also known as Miguel Angel Trevino-Gaona,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:10-CR-353-1

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Before BENAVIDES, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Victor Alfonso Gaona Delgado was convicted of illegal reentry by a felon and was sentenced, pursuant to the district court's decision to impose an upward variance, to serve 45 months in prison and a three-year term of supervised release. In this appeal, Gaona Delgado argues that his sentence is substantively unreasonable because the district court failed to give proper weight to his

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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arguments in mitigation and because his 45-month sentence exceeds what is needed in his case. Because Gaona Delgado did not raise these issues in the district court, they are reviewed for plain error only. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009).

Our review of the record and pertinent authority shows that Gaona Delgado's arguments are unavailing. The choice of sentence was grounded in the judge's assessment of proper factors, and the sentence itself is not unreasonable. *See* 18 U.S.C. § 3553(a); *United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006). Gaona Delgado's arguments amount to no more than a disagreement with the district court's sentencing decision, and this quarrel does not suffice to show error in connection with his sentence.

**AFFIRMED.**