

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 15, 2011

Lyle W. Cayce  
Clerk

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No. 10-50411  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR URIEL SORIANO-TORRES,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:09-CR-3452-1

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Before HIGGINBOTHAM, GARZA, and ELROD, Circuit Judges.

PER CURIAM:\*

Victor Uriel Soriano-Torres pleaded guilty to illegal reentry after removal in violation of 8 U.S.C. § 1326 and was sentenced to 60 months of imprisonment and three years of supervised release. Soriano-Torres argues that the guidelines sentence imposed by the district court was unreasonable because his sentencing guidelines range was determined by “double counting” his prior conviction which was used to calculate his offense level and his criminal history, resulting in an improper application of 18 U.S.C. § 3553(a). Soriano-Torres did not object or

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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argue in the district court that U.S. Sentencing Guidelines Manual (U.S.S.G.) § 2L1.2 resulted in impermissible “double counting” or that his sentence was unreasonable. Therefore, these arguments are reviewable only for plain error. *See Puckett v. United States*, 129 S. Ct. 1423, 1428-29 (2009); *United States v. Peltier*, 505 F.3d 389, 391-92 (5th Cir. 2007).

We have previously rejected the argument that because U.S.S.G. § 2L1.2 allows consideration of prior convictions to determine offense level and criminal history, it results in unjust double counting rendering the sentence unreasonable. *See United States v. Duarte*, 569 F.3d 528, 529-31 (5th Cir.), *cert. denied*, 130 S. Ct. 378 (2009); *see also* U.S.S.G. § 2L1.2, comment. (n.6). Soriano-Torres makes no other argument as to why his sentence is unreasonable. He has shown no error, plain or otherwise. Accordingly, the judgment of the district court is AFFIRMED.