

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

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2010

No. 10-50490
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

EMMA SOFIA ESPARZA, also known as Emma Esparza,

Defendant–Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:07-CR-2992-1

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

Emma Sofia Esparza appeals the 6-month and 72-day prison sentence imposed following the revocation of her supervised release. Esparza argues that the sentence was unreasonable because a prison sentence was not necessary to achieve the objectives of the 18 U.S.C. § 3553(a) factors. Because Esparza did not object to the reasonableness of her revocation sentence in the district court, review is for plain error. *See United States v. Davis*, 602 F.3d 643, 646-47 (5th Cir. 2010). To show plain error, she must show a forfeited error that is clear or

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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obvious and that affects her substantial rights. *Puckett v. United States*, —U.S.—, 129 S. Ct. 1423, 1429 (2009).

The sentence imposed falls within the 5 to 11-month guidelines range and is presumptively reasonable. *See United States v. Lopez-Velasquez*, 526 F.3d 804, 808-09 (5th Cir. 2008). Esparza has failed to rebut the presumption of reasonableness. *See Lopez-Velasquez*, 526 F.3d at 809. She has not shown that it was error, much less plain error, for the district court to impose a prison sentence. *Puckett*, 129 S. Ct. at 1429.

AFFIRMED.