

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 21, 2011

Lyle W. Cayce  
Clerk

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No. 10-51051  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LORENZO ADRIAN MACIAS-MARTINEZ, also known as Adrian Macias-  
Martinez,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:10-CR-1675-1

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Before JONES, Chief Judge, and STEWART and SOUTHWICK, Circuit Judges.  
PER CURIAM:\*

Appealing the judgment in a criminal case, Lorenzo Adrian Macias-  
Martinez presents arguments that he concedes are foreclosed by *United States*  
*v. Gomez-Herrera*, 523 F.3d 554, 562-63 (5th Cir. 2008), which held that the  
disparity between sentences of defendants who can participate in a fast-track  
program and defendants who cannot is not “unwarranted” within the meaning  
of 18 U.S.C. § 3553(a)(6).

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 R. 47.5, the court has determined that this opinion should not  
be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-51051

The Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.