

United States Court of Appeals for the Fifth Circuit

No. 25-50451
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 12, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

OSCAR OSMALDO PAGUAGA-AGUILAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:25-CR-124-1

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Oscar Osmaldo Paguaga-Aguilar pleaded guilty to illegally reentering the United States. He contends that his above-guidelines 36-month sentence is substantively unreasonable.

In this case, the district court expressly accounted for the guidelines range and justified the upward variance based on specific facts in the record

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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and the 18 U.S.C. § 3553(a) factors. *See United States v. Woods*, 102 F.4th 760, 765-66 (5th Cir. 2024); *United States v. Cortez-Balderas*, 74 F.4th 786, 788 (5th Cir. 2023). We conclude that none of those reasons constitute an abuse of discretion. *See United States v. Brantley*, 537 F.3d 347, 350 (5th Cir. 2008). As to the extent of the variance, Paguaga-Aguilar's sentence is well below the statutory maximum, *see* 8 U.S.C. § 1326(a), (b)(1), and we have upheld proportionally similar or greater variances, *see, e.g., United States v. Key*, 599 F.3d 469, 475-76 (5th Cir. 2010).

AFFIRMED.