

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 2, 2022

Lyle W. Cayce
Clerk

No. 21-40555
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MICHAEL ANGEL VILLARREAL,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:21-CR-179-2

Before SOUTHWICK, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Michael Angel Villarreal appeals his 20-month within-guidelines sentence of imprisonment following his guilty plea conviction of one count of conspiracy to transport an illegal alien within the United States and three

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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counts of transporting illegal aliens within the United States for private financial gain. He argues that his sentence is substantively unreasonable.

Our review is for an abuse of discretion. *United States v. Burney*, 992 F.3d 398, 399 (5th Cir. 2021). Sentences within the properly calculated advisory guidelines range, as here, are presumed to be substantively reasonable, and we will infer from such a sentence that “the district court has considered all the factors for a fair sentence set forth in the Guidelines.” *United States v. Candia*, 454 F.3d 468, 473 (5th Cir. 2006) (internal quotation marks and citation omitted). Villarreal’s arguments regarding the district court’s balancing of the sentencing factors and its refusal to grant him a downward variance fail to rebut the presumption of reasonableness. *See United States v. Koss*, 812 F.3d 460, 472 (5th Cir. 2016). He fails to show that the district court did not account for a factor that should have received significant weight, gave significant weight to an irrelevant or improper factor, or committed a clear error of judgment in balancing the 18 U.S.C. § 3553(a) factors. *See United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006).

AFFIRMED.