United States Court of Appeals for the Fifth Circuit

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FILED

No. 24-50716 Summary Calendar October 21, 2025

Lyle W. Cayce Clerk

United States of America,

Plaintiff—Appellee,

versus

Luis Ramon Magana-Medrano,

Defendant—Appellant.

Appeal from the United States District Court for the Western District of Texas USDC No. 2:23-CR-505-1

Before Smith, Higginson, and Wilson, *Circuit Judges*.

Per Curiam:*

Luis Magana-Medrano appeals the 92-month sentence imposed for his conviction of illegal reentry in violation of 8 U.S.C. § 1326. He contends that his upward-variant sentence, nearly double the high end of the guideline range, is substantively unreasonable; he complains that the district court gave insufficient weight to the guidelines and too much weight to aggravating

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

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factors.

The record indicates that the district court considered the guidelines and the 18 U.S.C. § 3553(a) factors and chose to vary upwardly in light of Magana-Medrano's criminal and immigration history; that was within its discretion. See United States v. Lopez-Velasquez, 526 F.3d 804, 807 (5th Cir. 2008); 18 U.S.C. § 3553(a)(1). Magana-Medrano has not shown that the extent of the variance is unreasonable; it is similar to other variances we have upheld. See United States v. Lopez-Velasquez, 526 F.3d 804, 805, 807 (5th Cir. 2008); United States v. Rhine, 637 F.3d 525, 526, 528–30 (5th Cir. 2011).

Magana-Medrano has not demonstrated that the district court abused its discretion by failing to account for a factor that warranted significant weight or that it gave undue weight to an improper factor. See United States v. Smith, 440 F.3d 704, 708 (5th Cir. 2006); see also Gall v. United States, 552 U.S. 38, 51 (2007). We therefore defer to the district court's determination that the § 3553(a) factors, on the whole, warrant the variance. See Gall, 552 U.S. at 51.

AFFIRMED.