

United States Court of Appeals for the Fifth Circuit

No. 25-11375
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 18, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CESAR GUERRERO-OLVERA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:25-CR-290-1

Before JONES, HO, and WILSON, *Circuit Judges*.

PER CURIAM:*

Cesar Guerrero-Olvera pleaded guilty to illegal reentry into the United States by an unlawful alien with a previous felony conviction, in violation of 8 U.S.C. § 1326(a) and (b)(1), and he was sentenced above the applicable guidelines range to 24 months of imprisonment. He now challenges the procedural and substantive reasonableness of his sentence, arguing that the district court (1) failed to explain its reasons for the upward

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

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variance and (2) misbalanced the 18 U.S.C. § 3553(a) sentencing factors and failed to consider mitigating factors.

First, with respect to Guerrero-Olvera's claim of procedural error, the district court did not plainly err because it cited appropriate § 3553(a) factors and gave reasons tied to those factors. *See United States v. Fraga*, 704 F.3d 432, 438-39 (5th Cir. 2013); *United States v. Key*, 599 F.3d 469, 473-74 (5th Cir. 2010). Because the "record makes the sentencing judge's reasoning clear and allows for effective review[,] no further explanation was required." *Fraga*, 704 F.3d at 439.

As to the substantive reasonableness of the sentence, in considering the totality of the circumstances, we conclude that the district court relied on appropriate § 3553(a) factors to support the upward variance. *See Fraga*, 704 F.3d at 440-41; *United States v. Lopez-Velasquez*, 526 F.3d 804, 807 (5th Cir. 2008). Therefore, Guerrero-Olvera has not demonstrated that the sentence "(1) does not account for a factor that should have received significant weight, (2) gives significant weight to an irrelevant or improper factor, or (3) represents a clear error of judgment in balancing the sentencing factors." *United States v. Smith*, 440 F.3d 704, 708 (5th Cir. 2006).

Given the foregoing, the judgment of the district court is AFFIRMED.