

United States Court of Appeals for the Fifth Circuit

No. 25-50709
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
August 27, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TOMAS BALDERAS-GARCIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:25-CR-11-1

Before HIGGINBOTHAM, SMITH, and HO, *Circuit Judges.*

PER CURIAM:*

Tomas Balderas-Garcia pleaded guilty to an indictment charging him with illegal reentry into the United States in violation of 8 U.S.C. § 1326(a) and (b). The district court determined that the advisory guidelines imprisonment range was 24 to 30 months. It varied upward from that range,

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

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sentencing Balderas-Garcia to 42 months of imprisonment to be followed by three years of supervised release.

For the first time on appeal, Balderas-Garcia argues that his 42-month sentence is substantively unreasonable. Reviewing for plain error, we conclude that Balderas-Garcia's arguments do not show that the district court committed a clear error of judgment in balancing the 18 U.S.C. § 3553(a) factors or that his sentence is substantively unreasonable. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Zarco-Beiza*, 24 F.4th 477, 481-82 (5th Cir. 2022); *United States v. Hudgens*, 4 F.4th 352, 358 (5th Cir. 2021).

AFFIRMED.