

United States Court of Appeals for the Fifth Circuit

No. 25-50837
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 31, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

FIDENCIO BETANCOURT-SEPULVEDA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:25-CR-79-1

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

PER CURIAM:*

Fidencio Betancourt-Sepulveda appeals the 36-month sentence imposed following his conviction for illegal reentry into the United States subsequent to deportation. He argues that the above-guidelines-range sentence is substantively unreasonable.

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

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Betancourt-Sepulveda has not shown an abuse of discretion. *See United States v. Smith*, 440 F.3d 704, 707 (5th Cir. 2006). His “argument that the district court could not rely on factors already encompassed within the guidelines to support a non-guidelines sentence is foreclosed.” *United States v. Key*, 599 F.3d 469, 475 (5th Cir. 2010). Moreover, he fails to show that the district court clearly erred in balancing the statutory sentencing factors or in affording weight to the various aspects of his criminal history. *See Smith*, 440 F.3d at 708-09.

AFFIRMED.