

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 29, 2026

Lyle W. Cayce
Clerk

No. 25-50909
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAUL MARTINEZ-HERRERA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:25-CR-1450-1

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

PER CURIAM:*

Raul Martinez-Herrera pleaded guilty of illegal reentry and was sentenced above the guideline range to 24 months. He asserts that his sentence is substantively unreasonable, maintaining that the district court gave undue weight to his convictions, which were already considered by the guidelines, and gave too little weight to his guideline range.

Martinez-Herrera's arguments are unavailing. A sentencing court

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

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“must make an individualized assessment based on the facts presented,” *Gall v. United States*, 552 U.S. 38, 50 (2007), and it is within the court’s discretion to conclude that the advisory range gives insufficient weight to one or more sentencing factors, among them the defendant’s history and characteristics, *see United States v. Lopez-Velasquez*, 526 F.3d 804, 807 (5th Cir. 2008); 18 U.S.C. § 3553(a)(1).

The variance was “commensurate with the individualized, case-specific reasons provided by the district court.” *United States v. Diehl*, 775 F.3d 714, 724 (5th Cir. 2015) (internal quotation marks and citation omitted). This court has upheld similar or greater variances. *See Lopez-Velasquez*, 526 F.3d at 806–07; *United States v. Herrera-Garduno*, 519 F.3d 526, 531–32 (5th Cir. 2008).

Accordingly, the judgment is AFFIRMED.