

United States Court of Appeals for the Fifth Circuit

No. 26-50141
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARIO ALEJANDRO RIVAS MARTINEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:25-CR-1503-1

Before WILLETT, DUNCAN, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Mario Alejandro Rivas Martinez, also known as Roy Rivas-Palma, pleaded guilty to one count of illegal reentry into the United States. The district court sentenced him to 36 months in prison, above the advisory sentencing guidelines range of 18 to 24 months. Rivas Martinez filed a timely appeal, arguing that his sentence is substantively unreasonable.

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

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We review for abuse of discretion. *See United States v. Woods*, 102 F.4th 760, 765 (5th Cir. 2024). “[A] deviation from the Guidelines range will not alone make a sentence substantively unreasonable.” *Id.* at 765 (internal quotation marks and citation omitted). The district court sentenced Rivas Martinez above the advisory guidelines because of Rivas Martinez’s criminal history, which the court found to be insufficiently represented in the guidelines range calculation. Rivas Martinez argues that this was an abuse of discretion. But a “sentencing court is free to conclude that the applicable Guidelines range gives too much or too little weight to one or more factors in a particular case or as a matter of policy.” *United States v. Williams*, 517 F.3d 801, 809 (5th Cir. 2008). There was thus no abuse of discretion.

AFFIRMED.