

April 17, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-30976  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE NELSON MALDONADO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:06-CR-30002  
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Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:\*

Jose Nelson Maldonado pleaded guilty to unlawful reentry into the United States following deportation and was sentenced to 46 months of imprisonment. He contends that the district court erred in refusing to depart downward on grounds of cultural assimilation. The record reflects that the downward departure was denied because the district court believed it was unwarranted based on the facts of this case. We lack jurisdiction to review this ruling. See United States v. Hernandez, 457 F.3d 416, 424 (5th Cir. 2006).

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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APPEAL DISMISSED.