

June 6, 2007

IN THE UNITED STATES COURT OF APPEALS

Charles R. Fulbruge III
Clerk

FOR THE FIFTH CIRCUIT

No. 06-30558
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-

Appellee,

versus

CESAR ARMANDO MEDRANO-GARCIA,
also known as Hector Garcia,

Defendant-

Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:06-CR-5-ALL

Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cesar Armando Medrano-Garcia (Medrano) appeals the 64-month sentence he received following his guilty-plea conviction for illegal reentry, in violation of 8 U.S.C. § 1326. He does not specifically argue that the sentence he received was unreasonable. Instead, he challenges the constitutionality of the presumption of reasonableness this court affords sentences imposed within a properly calculated guidelines range, relying on the Supreme Court's grant of certiorari in *Rita v. United States*, 127 S. Ct. 551 (U.S. Nov. 3, 2006) (No. 06-5754), and *Claiborne v. United States*, 127 S. Ct. 551 (U.S. Nov. 3, 2006) (No. 06-5618).

The grant of certiorari in *Rita* and *Claiborne* has no impact on this court's precedent. *See United States v. Short*, 181 F.3d 620, 624 (5th Cir. 1999); *see also Ellis v. Collins*, 956 F.2d 76, 79 (5th Cir. 1992). Accordingly, the district court's judgment is AFFIRMED.