

February 22, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-50382
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BERNARDINO MERAZ-MEJIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:-05-CR-97-3

Before REAVLEY, WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Bernardino Meraz-Mejia (Meraz) appeals the sentence he received after he pleaded guilty to transporting aliens. The court pretermits the issues whether Meraz adequately briefed a challenge to his appeal waiver and whether the waiver was knowing and voluntary. See United States v. Story, 439 F.3d 226, 230-31 (5th Cir. 2006).

Meraz argues that the district court imposed an unreasonable sentence in light of United States v. Booker, 543 U.S. 220 (2005), because the sentence was greater than necessary to meet

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the sentencing goals of 18 U.S.C. § 3553(a)(2). The district court's statements at sentencing in response to Meraz's several arguments show that the court was aware of the advisory nature of the Guidelines and that it adequately considered § 3553(a)'s factors when it sentenced Meraz. See United States v. Mares, 402 F.3d 511, 518-19 (5th Cir.), cert. denied, 126 S. Ct. 43 (2005). Moreover, Meraz's sentence, which was within the applicable guidelines range, is presumed to be reasonable, and does not present "rare" circumstances that would warrant a conclusion that it is unreasonable. See United States v. Alonzo, 435 F.3d 551, 554 (5th Cir. 2006).

AFFIRMED.