

**FILED**

May 2, 2007

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-50889  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH CANTONE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(6:05-CR-186-2)

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Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Joseph Cantone appeals his sentence, following his guilty-plea conviction for conspiracy to distribute at least 50 grams of methamphetamine. Although Cantone concedes his sentence is reviewed for reasonableness under this court's post-**Booker** precedent, e.g., **United States v. Mares**, 402 F.3d 511, 520 (5th Cir. 2005), he asserts the presumption-of-reasonableness standard is unconstitutional. Needless to say, absent changed, controlling authority, a panel of this court is bound by our circuit's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

precedent. *E.g.*, **United States v. Short**, 181 F.3d 620, 624 (5th Cir. 1999).

Cantone further contends his 210 month sentence, which was at the bottom of the guideline range, is unreasonable under 18 U.S.C. § 3553(a) because it is greater than necessary to achieve the sentencing goals. Cantone has *not* shown his sentence is unreasonable. See **Mares**, 402 F.3d at 519.

***AFFIRMED***