

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 22, 2008

---

No. 07-10946  
Summary Calendar

---

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BYRON CHRISENBERRY

Defendant-Appellant

---

Appeal from the United States District Court  
Northern for the District of Texas  
USDC No. 4:07-CR-3-14

---

Before HIGGINBOTHAM, BARKSDALE and ELROD, Circuit Judges.

PER CURIAM:\*

Byron Chrisenberry appeals his 240-month sentence following his guilty plea for conspiracy to distribute and possess with the intent to distribute more than 500 grams of methamphetamine. Chrisenberry avers that his sentence is unreasonable because the district court failed to consider as required by 18 U.S.C. § 3553(a)(6) whether the sentence imposed resulted in an unwarranted sentencing disparity between himself and his codefendants. Because the district court correctly calculated and reviewed Chrisenberry's guidelines range, the

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court “necessarily gave significant weight and consideration to the need to avoid unwarranted disparities.” See *Gall v. United States*, 128 S. Ct. 586, 599 (2007). The fact that Chrisenberry’s sentence was within the pertinent guidelines range reduces this court’s concern with sentencing disparities to a “minimum.” See *United States v. Willingham*, 497 F.3d 541, 545 (5th Cir. 2007). Moreover, the district court was aware of the sentences of the codefendants, who had cooperated with the Government and received downward departures.

AFFIRMED.