

**FILED**

August 21, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

---

No. 07-30023  
Conference Calendar

---

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JEFFREY JOHNSON

Defendant-Appellant

---

Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:06-CR-20013

---

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Jeffrey Johnson pleaded guilty to possession of child pornography and received a sentence of 120 months in prison. On appeal, he argues that the presumption of reasonableness given by this court to sentences within the advisory range of the Sentencing Guidelines returns the Guidelines to the unconstitutional mandatory status they held before *United States v. Booker*, 543 U.S. 220 (2005). The presumption used by this court does not violate 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Sixth Amendment. Rita v. United States, 127 S. Ct. 2456, 2462-68 (2007). The judgment of the district court is AFFIRMED.