

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2009

Charles R. Fulbruge III
Clerk

No. 08-41297
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARGARITA DEL ROSARIO FUENTES-GOMEZ, also known as Margarita
Torres,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:08-CR-1191-1

Before HIGGINBOTHAM, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Margarita Del Rosario Fuentes-Gomez (Fuentes) pleaded guilty to one count of illegal reentry after deportation following a felony conviction in violation of 8 U.S.C. § 1326(a) and (b). She appeals her within-guidelines sentence of 37 months of imprisonment, arguing that the sentence is procedurally unreasonable because the district court failed to provide adequate reasons to explain its choice of sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

As Fuentes failed to object at sentencing, this court reviews for plain error. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009), *petition for cert. filed* (June 24, 2009) (No. 08-11099). To demonstrate plain error, Fuentes must show a forfeited error that is clear or obvious and affects her substantial rights. *See id.* If these conditions are met, this court may exercise its discretion to correct the error if it “seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Id.* (citation omitted).

As Fuentes concedes, there is nothing in the record to indicate that Fuentes’s sentence would have been different if the court had provided more explanation for its choice of sentence. Fuentes has thus failed to demonstrate error affecting her substantial rights. *See id.* at 364-65.

Accordingly, we AFFIRM the district court’s judgment.