

March 28, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 05-30540
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HENRY ALFRED THOMAS, also known as Chris, also known as
Sweet Black,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:02-CR-60072-1

Before REAVLEY, HIGGINBOTHAM and CLEMENT, Circuit Judges.

PER CURIAM:*

Henry Alfred Thomas appeals the post-Booker** sentence imposed by the district court upon his conviction for distribution of crack cocaine. See 21 U.S.C. § 841. He argues that the district court's imposition of the maximum guideline sentence of 210 months was unreasonable in light of the Government's motion for downward departure pursuant to U.S.S.G. § 5K1.1 based on his substantial assistance.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

** United States v. Booker, 543 U.S. 220 (2005).

Thomas has failed to rebut the presumption of reasonableness afforded his properly calculated guideline sentence. United States v. Alonzo, 435 F.3d 551, 554 (5th Cir. 2006).

AFFIRMED.