



## United States v. Lopez-Contreras

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United States Court of Appeals for the Fifth Circuit \_\_\_\_\_ United States Court of Appeals  
Fifth Circuit

No. 22-50323 FILED January 17, 2023 Summary Calendar \_\_\_\_\_ Lyle W. Cayce Clerk United  
States of America,

Plaintiff—Appellee,

versus

Luis Alberto Lopez-Contreras,

Defendant—Appellant. \_\_\_\_\_

Appeal from the United States District Court for the Western District of Texas USDC No.  
2:21-CR-1533-1 \_\_\_\_\_

Before Jolly, Oldham, and Wilson, Circuit Judges. Per Curiam: \* Luis Alberto Lopez-Contreras  
appeals the 50-month within- guidelines sentence imposed by the district court following his guilty  
plea conviction for illegal reentry into the United States. According to Lopez- Contreras, the  
sentence imposed by the district court was greater than necessary to achieve the sentencing goals  
enumerated in 18 U.S.C. § 3553 (a)

\_\_\_\_\_ \* This opinion is not designated for publication. See 5th Cir. R. 47.5.

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and, therefore, was substantively unreasonable. He asserts that a sentence at the bottom of the  
guidelines range, or 46 months, would still have been the longest sentence that he has served by at  
least 10 months. By requesting a lesser term at the sentencing hearing, Lopez- Contreras preserved  
his substantive reasonableness challenge. See *Holguin- Hernandez v. United States*, 140 S. Ct. 762 ,



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767 (2020). Sentences are reviewed for reasonableness under an abuse-of-discretion standard. *Gall v. United States*, 552 U.S. 38 , 51 (2007). “A discretionary sentence imposed within a properly calculated guidelines range is presumptively reasonable.” *United States v. Campos-Maldonado*, 531 F.3d 337 , 338 (5th Cir. 2008). Lopez-Contreras has not rebutted the presumption that the 50-month within-guidelines sentence imposed by the district court was substantively reasonable. See *United States v. Jenkins*, 712 F.3d 209 , 214 (5th Cir. 2013). The district court considered his arguments for a sentence at the bottom of the guidelines range and determined that the 50-month sentence was appropriate based on its consideration of the § 3553(a) factors. Lopez- Contreras has not shown that the sentence does not account for a factor that should have received significant weight, gave significant weight to an irrelevant or improper factor, or represented a clear error in the balancing of the sentencing factors. See *id.* His argument that a 46-month sentence was appropriate amounts to a disagreement with the propriety of the sentence and the district court’s balancing of the sentencing factors, which is insufficient to rebut the presumption of reasonableness. See *United States v. Ruiz*, 621 F.3d 390 , 398 (5th Cir. 2010). AFFIRMED.