

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

United States Court of Appeals
Fifth Circuit

FILED

August 7, 2009

No. 08-11142
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

WILL GASAWAY,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:08-CR-99-3

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Will Gasaway pleaded guilty to conspiracy to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine. Gasaway appeals his within-guidelines sentence of 135 months of imprisonment, arguing that the sentence is procedurally unreasonable because the district court failed to provide adequate reasons for his sentence.

Because Gasaway did not object at sentencing to the adequacy of the court's reasons for the sentence, this issue is reviewed for plain error. *See*

* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.

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United States v. Mondragon-Santiago, 564 F.3d 357, 361 (5th Cir. 2009), *petition for cert. filed* (June 24, 2009) (No. 08-11099). Even if the district court failed to adequately explain its reasons for rejecting Gasaway’s request for a downward departure, Gasaway has not demonstrated how any error affected his substantial rights; that is, he has not shown that the purported error affected or “undermine[d] confidence in the outcome.” *Id.* at 364. Thus, Gasaway has not met the plain error standard. Accordingly, we AFFIRM the district court’s judgment.