

United States Court of Appeals for the Fifth Circuit

No. 24-10283
CONSOLIDATED WITH
No. 24-10284
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 12, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

PABLO JACOBO FELIX-SAMANIEGO,

Defendant—Appellant.

Appeals from the United States District Court
for the Northern District of Texas
USDC Nos. 5:19-CR-114-1, 5:23-CR-96-1

Before HIGGINBOTHAM, JONES, AND OLDHAM, *Circuit Judges*.

PER CURIAM:*

Pablo Jacobo Felix-Samaniego appeals his within-guidelines sentence of eight months of imprisonment imposed upon revocation of a prior term of supervised release. He also appeals a separate within-guidelines sentence of 48 months of imprisonment and three years of supervised release, which the

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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district court imposed following his guilty plea conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. Felix-Samaniego contends that the district court imposed substantively unreasonable sentences by failing to account for a factor that should have received significant weight. Because Felix-Samaniego's claim cannot succeed even under the more lenient standard of review, *see United States v. Burney*, 992 F.3d 398, 399-400 (5th Cir. 2021), this court can pretermitt any issues concerning whether he properly preserved his claim in the district court, *see United States v. Rodriguez*, 523 F.3d 519, 525 (5th Cir. 2008).

Sentences, as here, that are within the advisory guidelines range are presumed to be substantively reasonable. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 360 (5th Cir. 2009); *United States v. Badgett*, 957 F.3d 536, 541 (5th Cir. 2020) (regarding revocation sentences). Felix-Samaniego fails to rebut that presumption by showing that his sentences do not account for a factor that should have received significant weight. *See United States v. Romans*, 823 F.3d 299, 313-14 (5th Cir. 2016). Accordingly, the judgments of the district court are AFFIRMED.