

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

---

No. 07-2979

---

United States of America,

Appellee,

v.

Luis Mariles-Santos,

Appellant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Appeal from the United States  
District Court for the  
District of Nebraska.

[UNPUBLISHED]

---

Submitted: May 26, 2008

Filed: June 9, 2008

---

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

---

PER CURIAM.

Luis Mariles-Santos challenges the reasonableness of his 19-month within-Guidelines-range prison sentence, which the district court<sup>1</sup> imposed after Mariles-Santos pleaded guilty to illegally entering the United States after deportation following a felony conviction, in violation of 8 U.S.C. § 1326(a), (b)(1).

We conclude that Mariles-Santos's sentence is not unreasonable and therefore was not abuse of the district court's discretion. See United States v. Haack, 403 F.3d

---

<sup>1</sup>The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

997, 1003 (8th Cir. 2005) (abuse-of-discretion review standard). The court specifically acknowledged the advisory nature of the Guidelines and referenced several of the 18 U.S.C. § 3553(a) sentencing factors, and nothing in the record indicates that the court overlooked a relevant factor, gave significant weight to an improper factor, or made a clear error of judgment in weighing appropriate factors. See Rita v. United States, 127 S. Ct. 2456, 2462-68 (2007) (allowing appellate presumption of reasonableness for within-Guidelines-range sentence); United States v. Clay, 524 F.3d 877, 878 (8th Cir. 2008) (applying presumption); Haack, 403 F.3d at 1004 (listing circumstances that may warrant finding of abuse of discretion).

Accordingly, we affirm.

---