

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 10-12817  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEB 17, 2011 JOHN LEY CLERK
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D.C. Docket No. 5:09-cr-00071-CAR-CWH-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAUDIO LOPEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Middle District of Georgia

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(February 17, 2011)

Before TJOFLAT, BARKETT and KRAVITCH, Circuit Judges.

PER CURIAM:

Claudio Lopez appeals his sentence of 55 months' imprisonment after pleading guilty to illegally re-entering the United States after having previously

been deported, in violation of 8 U.S.C. § 1326(a). On appeal, Lopez argues that his sentence was unreasonable.

We review the reasonableness of a sentence under a deferential abuse-of-discretion standard. Gall v. United States, 552 U.S. 38, 41 (2007). The party who challenges the sentence must establish that the sentence is unreasonable in the light of both the record and the factors in 18 U.S.C. § 3553(a). United States v. Talley, 431 F.3d 784, 788 (11th Cir. 2005).

In this case, Lopez has not met his burden to show that his sentence, which fell in the middle of the guideline range, was unreasonable. The record belies his argument that the district court failed to consider his arguments in mitigation. Nor does the record support his argument that the court failed to provide a sentencing rationale. Indeed, the district court emphasized Lopez's extensive criminal history, which included numerous drug convictions and placed him in the highest criminal history category. Although the district court relied primarily on this factor, such reliance was not unreasonable given the severity of Lopez's criminal history. The record further belies Lopez's argument that the district court treated the Guidelines as mandatory, rather than advisory. Accordingly, we affirm.

**AFFIRMED.**