

December 5, 2008

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENET DEL CID-RENDON, also
known as Rendon Kenet Del Cid,
Carlos Leonel and Keneth Leonel,

Defendant - Appellant.

No. 08-3002

(D. Kansas)

(D.C. No. 2:06-CR-20021-KHV-2)

ORDER AND JUDGMENT*

Before **BRISCOE, MURPHY**, and **HARTZ**, Circuit Judges.

Kenet Del Cid-Rendon appeals the sentence imposed after his plea of guilty to charges arising out of a drug conspiracy. He challenges only the substantive reasonableness of the sentence, which was within the advisory guidelines range. Mr. Cid-Rendon argues that his criminal-history category overrepresented his criminal history and that he should not have been treated the same as codefendant

*After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Edguar Lizardo-Figueroa, who was described in the presentence report as the other “lieutenant[.]” in the conspiracy. R. Vol. III at 18. Mr. Cid-Rendon has not overcome the presumption of reasonableness that we attach to a within-guidelines sentence. *See United States v. Kristl*, 437 F.3d 1050, 1053–54 (10th Cir. 2006). We therefore AFFIRM his sentence.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge