

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-1296

UNITED STATES OF AMERICA

v.

JULIO ALBERTO SANTOS,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Criminal Nos. 04-cr-0286 and 04-cr-0418
(Honorable Mary A. McLaughlin)

Submitted Pursuant to Third Circuit LAR 34.1(a)
March 2, 2007

Before: SCIRICA, *Chief Judge*, McKEE and NOONAN*, *Circuit Judges*.

(Filed: March 7, 2007)

OPINION OF THE COURT

NOONAN, *Circuit Judge*.

Julio Santos (“Santos”) pled guilty both to re-entry after deportation, in violation of 8 U.S.C. § 1326 (a), (b)(2), and escape, in violation of 18 U.S.C. § 751. Santos now

*The Honorable John T. Noonan, Jr., United States Circuit Judge for the Ninth Judicial Circuit, sitting by designation.

appeals, arguing that his sentence imposes an “unwarranted” sentence disparity in violation of 18 U.S.C. § 3553(a)(6), because an offender in a fast-track immigration district would have received a lesser sentence for the re-entry offense. We have jurisdiction under 18 U.S.C. § 3742(a) and affirm.

We have recently considered and rejected the fast-track disparity argument. *United States v. Vargas*, 2007 WL 518630 (3d Cir. 2007). “Because ... the disparity between sentences in fast-track and non-fast-track districts is authorized by Congress and, hence, warranted,” *id.* at *2, “a district court’s refusal to adjust a sentence to compensate for the absence of a fast-track program does not make a sentence unreasonable.” *Id.* at *3.

AFFIRMED.