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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>TOMAS DANIEL RAMIREZ, AKA(s): Dennis Golcochea Gonzales Dennis G. Gonzales, Pedro Antonio Rivera De Jesus.,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 07-30454

D.C. No. CR-07-00008-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, Chief District Judge, Presiding

Submitted December 17, 2008**

Before: GOODWIN, TROTT, and RYMER, Circuit Judges.

Tomas Daniel Ramirez appeals from his guilty-plea conviction and
96-month sentence imposed for illegal reentry of a deported alien, in violation of 8

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

U.S.C. § 1326(a), fraud/false statements, in violation of 18 U.S.C. § 1001(a)(2), (a)(3), aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1), and perjury, in violation of 18 U.S.C. § 1623. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Ramirez contends that the district court abused its discretion by denying his motion to withdraw his guilty plea because his sentence greatly exceeded his expectations and because the district court did not permit him to testify before denying the motion. These contentions lack merit. *See United States v. Nostratis*, 321 F.3d 1206, 1211-12 (9th Cir. 2003).

Ramirez also contends that his sentence is unreasonable because it is greater than necessary to comply with the sentencing goals set forth in 18 U.S.C. § 3553(a), given that he committed his crimes in order to attend college. We conclude that the district court did not procedurally err, and that Ramirez's sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 995-96 (9th Cir. 2008) (en banc).

AFFIRMED.