

JAN 23 2009

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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>MARIO SORCIA-QUINTANA, aka, Mario Socia Quintana,</p> <p>Defendant - Appellant.</p>
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No. 07-10575

D.C. No. CR-06-02004-JMR

MEMORANDUM \*

Appeal from the United States District Court  
for the District of Arizona  
John M. Roll, District Judge, Presiding

Submitted January 13, 2009\*\*

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Mario Sorcia-Quintana appeals from the 46-month sentence imposed following his guilty- plea conviction for illegal re-entry after deportation, in

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\* 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).

violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Sorcia-Quintana contends that the district court procedurally erred by failing to consider and address arguments made by defense counsel at sentencing. We conclude that the district court did not procedurally err. *See Rita v. United States*, 127 S. Ct. 2456, 2468 (2007); *United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

**AFFIRMED.**