

JUN 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FERNANDO PECH-SALAZAR,

Defendant - Appellant.

No. 08-10381

D.C. No. 4:07-CR-02000-FRZ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Frank R. Zapata, District Judge, Presiding

Submitted June 16, 2009\*\*

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Fernando Pech-Salazar appeals from the 70-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(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Pech-Salazar contends that the district court procedurally erred by applying the U.S. Sentencing Guidelines in a presumptive manner, and by failing to consider the factors set forth in 18 U.S.C. § 3553(a) and explain the reasons for the sentence imposed. Pech-Salazar also contends that the sentence is substantively unreasonable. We conclude that the district court did not commit procedural error and that Pech-Salazar's sentence is substantively reasonable. *See Gall v. United States*, 128 S. Ct. 586, 597-98 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-96 (9th Cir. 2008) (en banc); *United States v. Dallman*, 533 F.3d 755, 761 (9th Cir. 2008).

**AFFIRMED.**