

AUG 13 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HECTOR GONZALEZ-SERMENIO,

Defendant - Appellant.

No. 08-50490

D.C. No. 3:08-cr-01544-BTM

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Barry T. Moskowitz, District Judge, Presiding

Submitted August 11, 2009\*\*

Before: KLEINFELD, M. SMITH, and IKUTA, Circuit Judges.

Hector Gonzalez-Sermenio appeals from the 51-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United

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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).

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

Gonzalez-Sermenio contends that his sentence is unreasonable because it is significantly longer than the sentence he would have received had he accepted a fast-track plea agreement. In light of the totality of the circumstances and the factors set forth in 18 U.S.C. § 3553(a), the sentence is reasonable. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007); *see also United States v. Gonzalez-Zotelo*, 556 F.3d 736, 739-41 (9th Cir. 2009).

**AFFIRMED.**