

SEP 14 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NOT FOR PUBLICATION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,)	No. 08-50369
)	
Plaintiff – Appellee,)	D.C. No. 3:08-CR-00799-BEN-1
)	
v.)	MEMORANDUM*
)	
GILBERTO PLACENCIA-)	
MEDINA,)	
)	
Defendant – Appellant.)	
_____)	

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

Submitted September 1, 2009**
Pasadena, California

Before: FERNANDEZ, GOULD, and TALLMAN, Circuit Judges.

Gilberto Placencia-Medina appeals his sentence for attempted entry after removal. 8 U.S.C. § 1326(a). We affirm.

*This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

The district court did not err when it considered the nature and similarity of Placencia's prior convictions in deciding to impose a six-month variance from the sentence range under the United States Sentencing Guidelines. See United States v. Orlando, 553 F.3d 1235, 1239 (9th Cir. 2009); cf. United States v. Segura-Del Real, 83 F.3d 275, 277–78 (9th Cir. 1996) (court can consider repetitive immigration violations in calculating an upward departure from the Guidelines).

Moreover, considering the simplicity of the matter, the district court sufficiently explained its decision to vary from the guideline range. See 18 U.S.C. § 3553(c); United States v. Carty, 520 F.3d 984, 991–92 (9th Cir. 2008) (en banc). Finally, the district court was not required to mouth the so-called parsimony principle when it stated that the sentence it was awarding was reasonable. A reasonable sentence incorporates that principle,¹ and we assume that “district judges know the law.”²

AFFIRMED.

¹See United States v. Crowe, 563 F.3d 969, 977 n.16 (9th Cir. 2009); United States v. Vasquez-Landaver, 527 F.3d 798, 804–05 (9th Cir. 2008).

² Carty, 520 F.3d at 992.