

SEP 30 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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>GREGORIO PENUELAS-SANCHEZ,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 07-50314

D.C. No. CR-07-00473-RTB

MEMORANDUM*

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

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Gregorio Penuelas-Sanchez appeals from the 60-month sentence imposed following his guilty-plea conviction for importing cocaine, in violation of 21

* 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. §§ 952, 960. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Penuelas-Sanchez contends that the 60-month sentence imposed by the district court is unreasonable, in light of the 41-month sentence agreed to by both parties, because the 41-month sentence is sufficient but not greater than necessary to accomplish the goals of sentencing. The record reflects that the sentence imposed is reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors. *See United States v. Nichols*, 464 F.3d 1117, 1124-26 (9th Cir. 2006).

AFFIRMED.