

OCT 05 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NOT FOR PUBLICATION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.

JULIO CORTES,

Defendant - Appellant.

No. 08-10507

D.C. No. 2:07-cr-00085-PMP

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted September 14, 2009**

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

Julio Cortes appeals from the 120-month sentence imposed following his guilty-plea conviction for receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* 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).

Cortes contends that the district court erred by failing to grant his request for a sentence below the Guidelines range. We review for reasonableness. *See United States v. Mohamed*, 459 F.3d 979, 986-88 (9th Cir. 2006). The record reflects that the district court thoroughly considered the § 3553(a) factors, including Cortes' arguments in mitigation, prior to imposing a sentence in the middle of the Guidelines range. The district court did not procedurally err, and the sentence is substantively reasonable. *See Gall v. United States*, 128 S. Ct. 586, 596-97 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.