

OCT 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NOT FOR PUBLICATION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.

RICARDO FLORES-GARCIA,

Defendant - Appellant.

No. 08-50582

D.C. No. 3:08-CR-02850-L-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
M. James Lorenz, District Judge, Presiding

Submitted September 14, 2009**

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

Ricardo Flores-Garcia appeals the sentence imposed following his guilty plea to being a deported alien found in the United States in violation of 8 U.S.C. § 1326.

* 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).

Flores-Garcia contends that the district court failed to consider properly all of the 18 U.S.C. § 3553(a) factors when it sentenced him, thereby rendering his sentence unreasonable. Our review of the record shows that the district court considered all of the factors under 18 U.S.C. § 3553(a) when it sentenced Flores-Garcia, and sentenced him in accordance with those factors. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc). Accordingly, we conclude the district court's 65-month sentence was reasonable.

AFFIRMED.