

OCT 23 2009

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>RODRIGO FIGUEROA-TREJO,</p> <p>Defendant - Appellant.</p>
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No. 09-30080 & 09-30082

D.C. Nos. 2:08-cr-00122-RHW
2:08-cr-00138-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, Senior District Judge, Presiding

Submitted October 13, 2009**

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

In these consolidated appeals, Rodrigo Figueroa-Trejo appeals from the 30-month sentence imposed following his guilty-plea conviction for being an alien

* 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).

in the United States after deportation, in violation of 8 U.S.C. § 1326, and the consecutive 21-month sentence imposed for violating supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Figueroa-Trejo contends that the total sentence is substantively unreasonable in light of his individual circumstances and all of the sentencing factors under 18 U.S.C. § 3553(a). In light of the totality of the circumstances, the district court did not abuse its discretion and the sentence is not substantively unreasonable. *See United States v. Carty*, 520 F.3d 984, 993, 996 (9th Cir. 2008) (en banc).

AFFIRMED.