

OCT 27 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NOT FOR PUBLICATION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.

JOSE SEDANO-PEREZ,

Defendant - Appellant.

No. 08-10442

D.C. No. 5:08-CR-00027-RMW

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Ronald M. Whyte, District Judge, Presiding

Submitted October 13, 2009\*\*

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

Jose Sedano-Perez appeals from the 65-month sentence imposed following his guilty-plea conviction for illegal reentry following deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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\* 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).

Sedano-Perez contends that the district court erred by failing to grant sentencing departures for duress, his cooperation with authorities, fast-track disparity, and his status as an illegal alien. Sedano-Perez also contends that the district court erred by not considering all of the sentencing factors listed in 18 U.S.C. § 3553(a). We review the sentence for reasonableness and assess Sedano-Perez's contention for downward departures within the framework of the 3553(a) factors. *See United States v. Dallman*, 533 F.3d 755, 760-61 (9th Cir. 2008). The record reflects that the district court did not procedurally err and that the sentence imposed is substantively reasonable. *See United States v. Stoterau*, 524 F.3d 988, 999-1002 (9th Cir. 2008).

**AFFIRMED.**