

DEC 16 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NOT FOR PUBLICATION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.

LOREANO GOMEZ-VILLA,

Defendant - Appellant.

No. 09-10163

D.C. No. 2:03-CR-00751-JAT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Loreano Gomez-Villa appeals from the 18-month sentence imposed following the revocation of supervised release. We have jurisdiction under 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).

Gomez-Villa contends that the district court procedurally erred by, among other things, imposing an above-Guidelines variance without adequately considering his mitigation arguments that he had returned to the United States to be with his children. His contentions are belied by the record. *See United States v. Carty*, 520 F.3d 984, 992-93, 996 (9th Cir. 2008) (en banc); *see also United States v. Leonard*, 483 F.3d 635, 637 (9th Cir. 2007). In addition, the record reflects that his sentence is substantively reasonable, under the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51-52 (2007).

AFFIRMED.