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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>LAURO AGUILAR-CANCHE,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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Nos. 08-30350 & 08-30351

D.C. Nos. 3:06-cr-05351-RBL  
2:08-cr-00130-RBL

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Ronald B. Leighton, District Judge, Presiding

Submitted December 15, 2009\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

In these consolidated appeals, Lauro Aguilar-Canche appeals from the 60-month sentence and the 120-month consecutive sentence imposed following his

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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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

guilty-plea conviction for various drug offenses, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A), and (b)(1)(B). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Aguilar-Canche contends that the district court erred by placing undue emphasis on his alleged involvement in a tobacco smuggling scheme while he was detained pretrial, and on the fact that he committed the second offense while on pretrial release for the first offense. The district court conducted a well-reasoned and balanced analysis of the 18 U.S.C. § 3553(a) sentencing factors, and the sentence imposed is substantively reasonable. *United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Counsel's motion to withdraw is denied.

**AFFIRMED.**