

JAN 11 2010

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NOT FOR PUBLICATION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.

HECTOR SANCHEZ-CAMACHO,

Defendant - Appellant.

No. 09-50108

D.C. No. 3:08-CR-03533-WQH

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted December 15, 2009**

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

Hector Sanchez-Camacho appeals from the 48-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United

* 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).

States, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Sanchez-Camacho contends that the sentence is substantively unreasonable because the district court overstated the seriousness of his criminal history, and because the 16-level enhancement that was imposed pursuant to U.S.S.G. § 2L1.2(b)(1)(a) was triggered by a relatively minor and stale narcotics conviction. The record reflects that the district court properly considered Sanchez-Camacho's individual circumstances and the required factors under 18 U.S.C. § 3553(a), and that, under the totality of the circumstances, the sentence below the guidelines range is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38, 51-52 (2007); *United States v. Autery*, 555 F.3d 864, 877 (9th Cir. 2009).

AFFIRMED.