

JAN 11 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO ANGON-PAZ,

Defendant - Appellant.

No. 09-50163

D.C. No. 3:08-CR-03204-DMS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted December 15, 2009**

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

Antonio Angon-Paz appeals from the 41-month sentence imposed following his guilty-plea conviction for attempted entry after deportation, in violation of 8

* 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).

U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Angon-Paz contends that his sentence is unreasonable because the district court failed to meaningfully address his request for downward departures, or his mitigating factors. This contention is belied by the record. The district court found that Angon-Paz failed to meet his burden of establishing a basis for the requested departures, and gave a sufficient explanation of the sentence in light of the factors under 18 U.S.C. § 3553(a). Accordingly, the district court did not procedurally err and the sentence imposed is not substantively unreasonable. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

AFFIRMED.