

MAR 26 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NOT FOR PUBLICATION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.

FRANCISCO LEDESMA-ACEVES,

Defendant - Appellant.

No. 09-30242

D.C. No. 2:06-cr-00007-FVS

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Fred L. Van Sickle, District Judge, Presiding

Submitted March 16, 2010\*\*

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Francisco Ledesma-Aceves appeals from the 60-month sentence imposed following his guilty-plea conviction for being an alien in the United States after

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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).

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

Ledesma-Aceves contends that the district court erred at sentencing by failing to consider his arguments, and that the overall sentence is unreasonable in light of the factors set forth in 18 U.S.C. § 3553(a). The record reflects that the district court considered each of Ledesma-Aceves' arguments at sentencing, and properly considered the § 3553(a) factors in deciding whether they supported the sentence suggested by Ledesma. Accordingly, there was no procedural error. *See United States v. Carty*, 520 F.3d 984, 991-993 (9th Cir. 2008) (en banc). Moreover, in light of the totality of the circumstances, the sentence imposed is not substantively unreasonable. *See id.* at 993.

**AFFIRMED.**