

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 22 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN ISAC ALVARADO-ISORDIA,

Defendant - Appellant.

No. 09-30287

D.C. No. 4:09-cr-00023-SEH

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Juan Isac Alvarado-Isordia appeals from the 54-month sentence imposed following his guilty-plea conviction for illegal re-entry of a deported alien, in

* 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).

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

Alvarado-Isordia contends that his sentence is unreasonable because the district court failed to review sufficiently the mitigating facts of his case in light of the 18 U.S.C. § 3553(a) sentencing factors. He also contends that his sentence is greater than necessary in light of the staleness and facts surrounding a prior conviction that formed the basis for a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A)(i). The record indicates that the district court did not procedurally err and that the sentence is substantively reasonable in light of the totality of the circumstances. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *cf. United States v. Amezcua-Vasquez*, 567 F.3d 1050, 1054-58 (9th Cir. 2009).

AFFIRMED.