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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>IVAN GUERRERO-MELCHOR,</p> <p>Defendant - Appellant.</p>

Nos. 08-10062 & 08-10553

D.C. No. CR-06-01143-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

In these consolidated appeals, Ivan Guerrero-Melchor appeals from the 92-month sentence imposed following his jury-trial conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Guerrero-Melchor contends that the district court procedurally erred by treating the Sentencing Guidelines as mandatory and by failing to consider the 18 U.S.C. § 3553(a) sentencing factors. The record reflects that the district court was aware of its discretion under the advisory Sentencing Guidelines, adequately considered the § 3553(a) sentencing factors, and provided a reasoned explanation for the sentence imposed. *See United States v. Carty*, 520 F.3d 984, 992-96 (9th Cir. 2008) (en banc); *see also United States v. Diaz-Argueta*, 564 F.3d 1047, 1051-52 (9th Cir. 2009).

AFFIRMED.