

JUN 21 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NOT FOR PUBLICATION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.

JUAN MANUEL SILVA-QUESADA,

Defendant - Appellant.

No. 09-10142

D.C. No. 5:08-CR-00525-JW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Ware, District Judge, Presiding

Submitted May 25, 2010**

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

Juan Manuel Silva-Quesada appeals from his 46-month sentence imposed following his guilty-plea conviction for illegal reentry following deportation, 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 under 28 U.S.C. § 1291, and we affirm.

Silva-Quesada contends that the district court committed procedural error by failing to address his arguments for a lower sentence due to his “cultural assimilation.” The record reflects that the district court listened to the argument, and “then simply found the circumstances insufficient to warrant” a lower sentence. *See United States v. Amezcua-Vasquez*, 567 F.3d 1050, 1054 (9th Cir. 2009).

AFFIRMED.