

OCT 04 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NOT FOR PUBLICATION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.

ABRAHAM GONZALEZ-LOPEZ,

Defendant - Appellant.

No. 09-10357

D.C. No. 2:08-cr-00323-LDG

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Lloyd D. George, District Judge, Presiding

Submitted September 13, 2010 **

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Abraham Gonzalez-Lopez appeals from the 84-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326, and from the 9-month sentence imposed

* 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).

upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Gonzalez-Lopez contends that his sentence is substantively unreasonable because, among other things, the district court did not give adequate weight to his mitigating factors. The district court did not procedurally err in imposing Gonzalez-Lopez's sentence. *See United States v. Ressay*, 593 F.3d 1095 (9th Cir. 2010); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc). Moreover, in light of the totality of the circumstances, including Gonzalez-Lopez's extensive criminal record and immigration history including five deportations, his within guidelines sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *see also Carty*, 520 F.3d at 991-93.

AFFIRMED.