

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NOT FOR PUBLICATION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.

ISAID HERRERA,

Defendant - Appellant.

No. 09-10481

D.C. No. 4:09-cr-00595-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted September 13, 2010**

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

Isaid Herrera appeals from the 63-month sentence imposed following his guilty-plea conviction for re-entry 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).

Herrera contends that his sentence is substantively unreasonable. The district court did not procedurally err. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc). Moreover, in light of the totality of the circumstances, the district court's sentence at the low end of the Guidelines range is substantively reasonable. *See id.*

AFFIRMED.