

NOV 19 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NOT FOR PUBLICATION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.

JOEL BELTRAN-BENITEZ,

Defendant - Appellant.

No. 09-30448

D.C. No. 6:09-cr-60017-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, Chief District Judge, Presiding

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Joel Beltran-Benitez appeals from the 60-month sentence imposed following his guilty-plea conviction for illegal reentry, 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).

Beltran-Benitez contends that the district court procedurally erred by failing to adequately explain its reasons for the sentence imposed. He also contends that his sentence is substantively unreasonable. The record reflects that the district court did not procedurally err, and the below-Guidelines range sentence is substantively reasonable. *See United States v. Carter*, 560 F.3d 1107, 1117-19 (9th Cir. 2009) (no procedural error where record reflected that judge considered the evidence and arguments presented by the parties); *United States v. Carty*, 520 F.3d 984, 992-95 (9th Cir. 2008) (en banc).

AFFIRMED.