

FEB 22 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISRAEL SOLORIO-GUTIERREZ,

Defendant - Appellant.

No. 10-10308

D.C. No. 5:09-cr-00890-JF

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jeremy D. Fogel, District Judge, Presiding

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Israel Solorio-Gutierrez appeals from the 37-month sentence imposed following his guilty-plea conviction for illegal 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).

Solorio-Gutierrez contends that the district court failed to adequately explain its reasons for imposing the sentence. The record reflects that the district court provided a reasoned sentencing explanation and did not otherwise procedurally err. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

Solorio-Gutierrez also contends that his sentence is substantively unreasonable because it was greater than necessary to serve the goals of sentencing, among other reasons. In light of the totality of the circumstances, particularly his prior conviction for drug trafficking and prior deportations, as well as the 18 U.S.C. § 3553(a) factors, the district court's within-Guidelines sentence is substantively reasonable. *See Carty*, 520 F.3d at 993.

AFFIRMED.