

FEB 23 2011

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NOT FOR PUBLICATION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.

RAFAEL MARTINEZ-GONZALEZ,  
a.k.a. Jose Acosta, a.k.a. Rafael Estrada,  
a.k.a. Roberto Martinez-Soto, a.k.a. Fidel  
Reyes, a.k.a. Armelo Seja, a.k.a. Carmello  
Seja, a.k.a. Carmelo Silvo, a.k.a. Miguel  
Torres-Gonzalez,

Defendant - Appellant.

No. 10-10272

D.C. No. 2:08-cr-00371-FCD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Frank C. Damrell, District Judge, Presiding

Submitted February 15, 2011\*\*

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

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\* 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).

Rafael Martinez-Gonzalez appeals from the 85-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. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Martinez-Gonzalez contends that the district court committed significant procedural error by failing to explain adequately the reasons for the sentence. Martinez-Gonzalez's sentence is within the Guidelines range, and the court adequately explained its reasons for selecting this sentence. *See United States v. Carty*, 520 F.3d 984, 995 (9th Cir. 2008) (en banc).

**AFFIRMED.**