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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>OLIVERIO ALONSO ESTRADA- LEMUS,</p> <p style="text-align: center;">Defendant - Appellant.</p> |
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No. 10-10198

D.C. No. 2:09-cr-00285-PMP

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted February 15, 2011**

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

Oliverio Alonso Estrada-Lemus appeals from the 36-month sentence imposed following his conviction for being a deported alien found unlawfully in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under

* 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).

28 U.S.C. § 1291, and we affirm.

Estrada-Lemus contends that his sentence is substantively unreasonable because the district court failed to consider the age of his prior conviction under *United States v. Amezcua-Vasquez*, 567 F.3d 1050 (9th Cir. 2009), and because he is unlikely to reoffend. In light of the totality of the circumstances and the factors set forth in 18 U.S.C. § 3553(a), the sentence is substantively reasonable. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1108-09 (9th Cir. 2010) (emphasizing the limited scope of *Amezcua-Vasquez*).

AFFIRMED.