

JUN 20 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NOT FOR PUBLICATION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.

RICARDO ROCHIN-JEREZ, a.k.a.
Francisco Camargo-Peralta,

Defendant - Appellant.

No. 10-10405

D.C. No. 2:09-cr-00476-PMP-RJJ

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O'SCANLAIN, and FISHER, Circuit Judges.

Ricardo Rochin-Jerez appeals from the 41-month sentence imposed following his guilty-plea conviction for being a deported alien found unlawfully in

* 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).

the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rochin-Jerez contends that his sentence, at the bottom of the Guidelines, is substantively unreasonable because it included a 16-level increase for his previous conviction of an alien smuggling offense. In light of the totality of the circumstances and the 18 U.S.C. § 3553(a) factors, including the seriousness of Rochin-Jerez's crimes and deterring future criminal conduct, the sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.