

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NOT FOR PUBLICATION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.

JAIME LOPEZ-HERNANDEZ,

Defendant - Appellant.

No. 10-30257

D.C. No. 1:10-cr-00073-RFC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, Chief District Judge, Presiding

Submitted June 15, 2011**

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

Jaime Lopez-Hernandez appeals from the 24-month sentence imposed following his guilty-plea conviction for illegal re-entry of deported alien, in violation of 8 U.S.C. § 1326(a). 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).

Lopez-Hernandez contends that his sentence is substantively unreasonable because the district court imposed a sentence that was 17 months above the top end of the Guidelines range. In light of the totality of the circumstances and the 18 U.S.C. § 3553(a) factors, including promoting respect for the law and deterring future criminal conduct, the sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.