

JUN 24 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NOT FOR PUBLICATION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.

JOSE LUIS REYNA-ROBLES, a.k.a. Jose  
Reyna-Robles,

Defendant - Appellant.

No. 10-10093

D.C. No. 4:09-cr-02546-RCC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Raner C. Collins, District Judge, Presiding

Submitted June 15, 2011\*\*

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

Jose Luis Reyna-Robles appeals from the sentence of 13 months and one day imposed following his guilty-plea conviction for reentry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and

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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).

we affirm.

Reyna-Robles contends that his sentence is substantively unreasonable because he should have been granted a departure or variance based on cultural assimilation. In light of the totality of the circumstances and the 18 U.S.C. § 3553(a) factors, Reyna-Robles's sentence within the Guidelines range is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

**AFFIRMED.**