FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. RAMIRO VALLE-NEGRETE, Defendant - Appellant.	No. 10-10298 D.C. No. 5:09-cr-00845-JW MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Ware, Chief District Judge, Presiding

Submitted June 15, 2011**

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

Ramiro Valle-Negrete appeals from the 60-month sentence 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 we affirm.

Valle-Negrete contends that the district court committed procedural error by

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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).

failing to consider his challenges to the 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A) and by failing to explain its sentence sufficiently in view of those challenges. The record reflects that the district court considered the parties' arguments, and its statements at sentencing, though brief, were sufficient to permit meaningful appellate review of the below-Guidelines sentence imposed. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

Valle-Negrete also challenges section 2L1.2(b)(1)(A)'s 16-level enhancement as unreasonable and lacking in empirical foundation and argues that its application in his case resulted in a substantively unreasonable sentence. The 60-month sentence imposed was substantively reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, which include a criminal and immigration history that, while largely non-violent, is extensive and underscores the need for deterrence and to promote respect for the criminal and immigration laws of the United States. *See Carty*, 520 F.3d at 993.

AFFIRMED.