

JUL 18 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NOT FOR PUBLICATION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.

BANNER NARVAEZ,

Defendant - Appellant.

No. 10-10138

D.C. No. 4:09-cr-00942-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Banner Narvaez appeals from the 45-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.

Narvaez contends that his sentence was substantively unreasonable. The

* 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).

below-Guidelines sentence imposed was reasonable in light of the 18 U.S.C. § 3553(a) factors and the totality of the circumstances, *see United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc), and the district court's conclusion that the age and circumstances of Narvaez's 2001 firearms conviction, when measured against its seriousness, warranted a variance of only six months was consistent with this court's decision in *United States v. Amezcua-Vasquez*, 567 F.3d 1050, 1055-56 (9th Cir. 2009).

AFFIRMED.