

AUG 05 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NOT FOR PUBLICATION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.

EDUARDO HERNANDEZ-
HERNANDEZ,

Defendant - Appellant.

No. 10-10490

D.C. No. 4:10-cr-00010-RCC

MEMORANDUM*

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

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

Eduardo Hernandez-Hernandez appeals from the 51-month sentence imposed following his guilty-plea conviction for illegal reentry after deportation, 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).

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

Hernandez-Hernandez contends that his below-Guidelines sentence was substantively unreasonable because the district court did not discuss all of the 18 U.S.C. § 3553(a) factors at the sentencing hearing. The record reflects that the district court adequately considered and addressed Hernandez-Hernandez's arguments and the section 3553(a) factors. *See Rita v. United States*, 551 U.S. 338, 356-58 (2007). Furthermore, in light of the totality of the circumstances, Hernandez-Hernandez's sentence was not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v Carty*, 520 F.3d 984, 994-95 (9th Cir. 2008) (en banc).

AFFIRMED.