

OCT 27 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NOT FOR PUBLICATION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.

HUBER SABALSA-ZARATE,

Defendant - Appellant.

No. 10-30375

D.C. No. 2:10-cr-00163-MJP

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, Chief Judge, Presiding

Submitted October 25, 2011\*\*

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Huber Sabalsa-Zarate appeals from the 47-month sentence imposed following his guilty-plea conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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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).

Sabalsa-Zarate contends that his sentence below the Guidelines range is substantively unreasonable. We are precluded from reaching the merits of this claim by the valid appeal waiver. *See United States v. Bibler*, 495 F.3d 621, 623-24 (9th Cir. 2007).

**DISMISSED.**