

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NOT FOR PUBLICATION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.

SALVADOR DE JESUS SANCHEZ-
MIRANDA,

Defendant - Appellant.

No. 10-50315

D.C. No. 3:09-cr-02585-JM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Jeffrey T. Miller, District Judge, Presiding

Submitted October 25, 2011**

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

Salvador de Jesus Sanchez-Miranda appeals from the 77-month sentence imposed following his jury-trial conviction for attempted entry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and

* 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. Appellant. P. 34(a)(2).

we affirm.

Sanchez-Miranda contends that his below-Guidelines sentence is unreasonable because the district court failed to grant a downward departure based on his cultural assimilation and reasons for reentering the United States. The record reflects that the district court considered Sanchez-Miranda's cultural assimilation and motivations for reentering, and imposed a sentence that is substantively reasonable in light of the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors. *See Gall v. United States*, 552 U.S. 38, 51-52 (2007).

AFFIRMED.