

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NOT FOR PUBLICATION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.

EFRAIN RAZO-MAYA,

Defendant - Appellant.

No. 11-10106

D.C. No. 2:10-cr-00346-RLH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, Chief Judge, Presiding

Submitted October 25, 2011**

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

Efrain Razo-Maya appeals from the 24-month sentence imposed following his guilty-plea conviction for being a deported alien found unlawfully in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Razo-Maya contends that his sentence is substantively unreasonable because he has no prior felony convictions. As Razo-Maya's concedes, his prior gross misdemeanor conviction qualified as an aggravated felony under 8 U.S.C. § 1101(a)(43). *See United States v. Gonzalez-Tamariz*, 310 F.3d 1168, 1170-71 (9th Cir. 2002). Thus, the district court did not err in imposing an eight-level sentencing enhancement. *See* U.S.S.G. § 2L1.2(b)(1)(C). Moreover, in light of the totality of the circumstances and the sentencing factors set forth in 18 U.S.C. § 3553(a), the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.