

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NOT FOR PUBLICATION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.

CARLOS BAEZA-ROSALES,

Defendant - Appellant.

Nos. 11-30026 & 11-30027

D.C. Nos. 2:09-cr-00114-RHW
2:10-cr-00064-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, District Judge, Presiding

Submitted October 25, 2011**

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

In these consolidated appeals, Carlos Baeza-Rosales appeals from the 21-month sentence imposed following his guilty plea conviction for being an alien in the United States after deportation, in violation of 8 U.S.C. § 1326, and from the 12-month consecutive sentence imposed following the revocation of supervised

* 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).

release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Baeza-Rosales contends that the district court procedurally erred by failing adequately to explain the sentence imposed. We review for plain error. *See United States v. Hammons*, 558 F.3d 1100, 1103 (9th Cir. 2009). The district court did not plainly err, as the record reflects that it considered the relevant sentencing factors under 18 U.S.C. §§ 3553(a) and 3583(e), as well as Baeza-Rosales's arguments in mitigation, but found the circumstances insufficient to warrant a sentence below the one imposed. *See United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Baeza-Rosales also contends that the sentence imposed is substantively unreasonable. The consecutive sentences at or near the high end of the respective Guidelines ranges are substantively reasonable under the totality of the circumstances and in light of the sentencing factors set forth in 18 U.S.C. §§ 3553(a) and 3553(e). *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.