

OCT 28 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NOT FOR PUBLICATION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.

ALBERTO PINA,

Defendant - Appellant.

No. 10-50404

D.C. No. 2:99-cr-01274-RSWL

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Ronald S.W. Lew, District Judge, Presiding

Submitted October 25, 2011**

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

Alberto Pina appeals from the 360-month sentence imposed following his convictions for Racketeer Influenced and Corrupt Organizations conspiracy under 18 U.S.C. § 1962(d), and being a felon in possession of a firearm under 18 U.S.C. § 922(g)(1). 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. App. P. 34(a)(2).

Pina contends that his sentence is substantively unreasonable. Given the district court's factual findings, Pina's low-end Guidelines sentence is 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 (2007); *United States v. Stoterau*, 524 F.3d 988, 997 (9th Cir. 2008); U.S.S.G. § 1B1.3(a)(1)(B).

AFFIRMED.