

DEC 22 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN ANTONIO QUINTANILLA, a.k.a.
Mauricio Guerrero, a.k.a. Antonio
Mendez, a.k.a. Mauricio Mendez,

Defendant - Appellant.

No. 09-50531

D.C. No. 2:09-cr-00242-PA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Juan Antonio Quintanilla appeals from the 90-month sentence imposed following his guilty-plea conviction for conspiracy to interfere with commerce by robbery, in violation of 18 U.S.C. § 1951; and for using and carrying a firearm

* 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).

during and in relation to, and possessing a firearm in furtherance of, a drug trafficking crime and a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A).

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

Quintanilla contends that the district court procedurally erred by failing to explain why it rejected Quintanilla's argument that the Guidelines overstated his criminal history. The district court did not err, plainly or otherwise. The record shows that the court entertained Quintanilla's arguments regarding the departure and declined to depart because it did not find Quintanilla's arguments persuasive. *See United States v. Carty*, 520 F.3d 984, 992-93, 995 (9th Cir. 2008) (en banc).

AFFIRMED.