

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NOT FOR PUBLICATION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.

CARLOS PEREZ-LOPEZ, a.k.a. Jorge  
Lopez, a.k.a. Gilberto Salas,

Defendant - Appellant.

No. 11-50206

D.C. No. 3:10-cr-04999-BEN

MEMORANDUM\*

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

Submitted December 19, 2011\*\*

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

Carlos Perez-Lopez appeals from the 18-month sentence imposed following his conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* 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).

Perez-Lopez contends that the district court procedurally erred by: (1) failing to use the Guidelines as a starting point in the sentencing process; (2) failing to provide an adequate explanation for the sentence; and (3) focusing exclusively on the need to protect the public. This contention lacks merit as the record reflects that the court used the Guidelines range as the starting point in the sentencing process, adequately explained the sentence, and considered the 18 U.S.C. § 3553(a) sentencing factors. *See United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008) (en banc).

Perez-Lopez also contends that the above-Guidelines sentence was substantively unreasonable. The record reflects that the 18-month sentence is substantively reasonable in light of the totality of the circumstances and the section 3553(a) sentencing factors. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

**AFFIRMED.**