

DEC 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NOT FOR PUBLICATION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.

FEDERICO ROMAN,

Defendant - Appellant.

No. 10-30341

D.C. No. 3:09-cr-00318-BR

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Anna J. Brown, District Judge, Presiding

Submitted December 19, 2011\*\*

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

Federico Roman appeals from the 46-month sentence imposed following his guilty-plea conviction for illegal reentry of a deported alien 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. App. P. 34(a)(2).

Roman contends that remand is required because it is unclear whether the district court recognized its discretion to vary from U.S.S.G. § 2L1.2 on policy grounds. *See United States v. Henderson*, 649 F.3d 955, 964 (9th Cir. 2011). The record belies this contention. The district court considered Roman’s policy-based arguments, but did not find them persuasive. *See id.* (“[D]istrict courts are not obligated to vary from the . . . Guidelines on policy grounds if they do not have, in fact, a policy disagreement with them.”).

**AFFIRMED.**