

FEB 23 2012

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NOT FOR PUBLICATION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.

MARIO ALBERTO ALONSO-
MALDONADO,

Defendant - Appellant.

No. 10-10555

D.C. No. 2:10-cr-00197-GMN

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Mario Alberto Alonso-Maldonado appeals from the 46-month sentence imposed following his guilty-plea conviction for being a deported alien found unlawfully in the United States, in violation of 8 U.S.C. § 1326. We have

* 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).

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

Alonso-Maldonado contends that his sentence is substantively unreasonable, in light of the staleness of his prior conviction and his cultural assimilation. Under the totality of the circumstances, including Alonso-Maldonado's criminal history and three previous deportations, the sentence at the bottom of the Guidelines range is substantively reasonable. *See* 18 U.S.C. § 3553(a); *Gall v. United States*, 552 U.S. 38, 51 (2007).

To the extent Alonso-Maldonado contends that the district court procedurally erred by failing to provide an adequate explanation for the sentence, the record belies his contention. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

AFFIRMED.