

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NOT FOR PUBLICATION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.

JORGE SANCHEZ-RAMIREZ,

Defendant - Appellant.

No. 11-50092

D.C. No. 3:10-cr-03652-DMS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted February 21, 2012**

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

Jorge Sanchez-Ramirez appeals from the 57-month sentence imposed following his guilty-plea conviction for attempted entry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and

* 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).

we affirm.

Sanchez-Ramirez contends that he should have been sentenced to no more than two years, the statutory maximum stated in 8 U.S.C. § 1326(a). Contrary to his contention, the statutory maximum in this case is 20 years because of his prior aggravated felony conviction. *See* 8 U.S.C. § 1326(b)(2).

Sanchez-Ramirez next contends that the district court procedurally erred by failing to explain adequately the sentence imposed and by failing to consider the 18 U.S.C. § 3553(a) sentencing factors. The record reflects that the district court considered the Sanchez-Ramirez's arguments and adequately explained its reasons for imposing a sentence 13 months below the advisory Guidelines range. *See United States v. Carty*, 520 F.3d 984, 992, 995 (9th Cir. 2008) (en banc). Further, in light of the totality of the circumstances and the section 3553(a) sentencing factors, Sanchez-Ramirez's sentence is substantively reasonable. *See id.* at 993.

Sanchez-Ramirez's motion for leave to file a pro se supplemental brief is denied. Because Sanchez-Ramirez is represented by counsel, only counsel may submit filings. Accordingly, we do not consider the pro se filings received on October 18, 2011, and December 29, 2011.

AFFIRMED.