

JUL 03 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NOT FOR PUBLICATION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.

INOEL JEDAMIN RODAS-DE LEON,

Defendant - Appellant.

No. 11-10574

D.C. No. 4:11-cr-01763-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Philip G. Reinhard, District Judge, Presiding**

Submitted June 26, 2012***

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Inoel Jedamin Rodas-De Leon appeals from the 51-month sentence imposed following his guilty-plea conviction for reentry after deportation, in violation of 8

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Philip G. Reinhard, United States District Judge for the Northern District of Illinois, sitting by designation.

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rodas-De Leon contends that the district court procedurally erred because it failed to consider all of the 18 U.S.C. § 3553(a) factors and did not consider De Leon's request for a downward variance. The district court did not procedurally err. *See United States v. Treadwell*, 593 F.3d 990, 1013-14 (9th Cir. 2010). The record also reflects that the district court did not give undue weight to any of the section 3553(a) sentencing factors and that, in light of the totality of the circumstances, the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.