

JUL 19 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>GAUDENCIO MOLINA-CARBAJAL, a.k.a. Guadencio Molina-Carbajal,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 11-10365

D.C. No. 4:10-cr-01893-DCB

MEMORANDUM*

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

Submitted July 17, 2012***

Before: SCHROEDER, THOMAS, and SILVERMAN, Circuit Judges.

Gaudencio Molina-Carbajal appeals from the 70-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.

** Roger T. Benitez, United States District Judge for the Southern District of California, 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.

Molina-Carbajal contends that his sentence is substantively unreasonable. He primarily contends that the district court relied too heavily on the Sentencing Guidelines range and gave insufficient weight to his mitigating arguments. In light of the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors, the sentence at the bottom of the Guidelines range is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

AFFIRMED.