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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JULIAN VALDEZ-ARAGON,</p> <p>Defendant - Appellant.</p>
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No. 11-10475

D.C. No. 2:10-cr-00089-GMN

MEMORANDUM*

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

Submitted July 17, 2012**

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

Julian Valdez-Aragon appeals from the 108-month sentence imposed following his guilty-plea conviction for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Valdez-Aragon contends that the district court failed to appreciate its discretion to vary downward from the Guidelines range based on the 18 U.S.C. § 3553(a) sentencing factors. This contention is unpersuasive. *See United States v. Carty*, 520 F.3d 984, 996 (9th Cir. 2008) (en banc) (rejecting claim of error where the district judge “gave no indication that he felt bound by the Guidelines range or bound to treat the Guidelines sentence as presumptively reasonable”).

Valdez-Aragon also contends that his sentence is substantively unreasonable. In light of the totality of the circumstances and the section 3553(a) sentencing factors, the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.