

SEP 14 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NOT FOR PUBLICATION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.

CRISTIAN ALFONSO SOTO-MEDINA,

Defendant - Appellant.

No. 11-10547

D.C. No. 4:11-cr-01278-DCB-JJM-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Cristian Alfonso Soto-Medina appeals from the 57-month sentence imposed following his guilty-plea conviction for importation and possession of methamphetamine with intent to distribute, in violation of 21 U.S.C. §§ 952(a) and 841(a)(1). 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).

Soto-Medina contends that his sentence was substantively unreasonable because the sentence did not account for mitigating factors related to Soto-Medina's criminal history, his age, his work ethic, the death of his father, and his depression. We conclude that the sentence at the low end of the Guidelines range was not substantively unreasonable in light of the totality of the circumstances and the 18 U.S.C. § 3553(a) sentencing factors. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.