

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NOT FOR PUBLICATION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.

FRANCISCO GALAZ-CHAPARRO,

Defendant - Appellant.

No. 12-10145

D.C. No. 4:11-cr-03595-CKJ-
CRP-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted September 10, 2012**

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

Francisco Galaz-Chaparro appeals from the 63-month sentence imposed following his guilty-plea conviction for illegal re-entry after deportation, in

* 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).

violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Galaz-Chaparro contends that his sentence is substantively unreasonable in light of his personal situation, his unique characteristics, and the true nature of his non-violent criminal history. The record reflects that under the totality of the circumstances, including Chaparro's most recent re-entry only four months after his last deportation, the sentence within the Guidelines range is not substantively unreasonable. *See* 18 U.S.C. § 3553(a); *Gall v. United States*, 552 U.S. 38, 51 (2007).¹

AFFIRMED.

¹Galaz-Chaparro's motion, filed on August 21, 2012, requesting an extension of time to file his reply brief is granted. The reply brief received on August 21, 2012, is deemed filed.