

SEP 14 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICTOR MANUEL SANCHEZ VALLE,

Defendant - Appellant.

No. 12-50013

D.C. No. 3:11-cr-03385-BTM-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Barry T. Moskowitz, District Judge, Presiding

Submitted September 10, 2012**

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

Victor Manuel Sanchez Valle appeals the 48-month sentence imposed following his guilty plea to being a deported alien found in the United States 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.

Sanchez Valle contends that his sentence is substantively unreasonable because of his strong ties to the United States and cultural assimilation, his last felony conviction occurred more than ten years prior to the instant offense, and “all of the purposes of sentencing set forth in 18 U.S.C. § 3553(a).” We conclude that Sanchez Valle’s below-Guidelines sentence is substantively reasonable in light of the totality of the circumstances and the section 3553(a) sentencing factors. *See Gall v. United States*, 552 U.S. 38, 51 (2007).

AFFIRMED.