

SEP 20 2012

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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>BALDEMAR LOARCA-LOARCA,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 11-10652

D.C. No. 2:11-cr-01801-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Joseph M. Hood, District Judge, Presiding**

Submitted September 10, 2012***

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

Baldemar Loarca-Loarca appeals from the 60-month sentence imposed following his guilty-plea conviction for reentry of a removed alien, in violation of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Joseph M. Hood, Senior United States District Court Judge for the Eastern District of Kentucky, sitting by designation.

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

8 U.S.C. § 1326(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Loarca-Loarca contends that the district court erred by failing to consider properly the sentencing factors set forth in 18 U.S.C. § 3553(a), and by failing to explain adequately the reasons for the sentence. The court acknowledged Loarca-Loarca's arguments, and explained that they were insufficient to warrant a below-Guidelines sentence in light of Loarca-Loarca's criminal history, one of the section 3553(a) sentencing factors. Its failure to do more was not plain error. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010).

Loarca-Loarca 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.