

SEP 20 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NOT FOR PUBLICATION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.

SALVADOR RANGEL-CRUZ,

Defendant - Appellant.

No. 11-30275

D.C. No. 3:10-cr-00336-RE

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Robert E. Jones, District Judge, Presiding

Submitted September 10, 2012**

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

Salvador Rangel-Cruz 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)(B)(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).

Rangel-Cruz contends that the district court erred procedurally by declining to consider the disparity between his advisory Sentencing Guidelines range and the state court sentences received by his co-conspirators. The record belies the contention that the court did not consider the disparity. That the court chose not to give weight to the disparity was not an abuse of discretion. *See United States v. Ringgold*, 571 F.3d 948, 951 (9th Cir. 2009) (18 U.S.C. § 3553(a)(6) “does not require district courts to consider sentence disparities between defendants found guilty of similar conduct in state and federal courts”).

AFFIRMED.