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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>MARTIN ESTRELLA-ROMERO,</p> <p>Defendant - Appellant.</p> |
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No. 11-10607

D.C. No. 4:10-cr-02848-JGZ

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Marvin E. Aspen, District Judge, Presiding\*\*

Submitted December 19, 2012\*\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Martin Estrella-Romero appeals from the district court’s judgment and challenges the 48-month sentence imposed following his guilty-plea conviction for

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

\*\* The Honorable Marvin E. Aspen, Senior United States District Judge for the Northern District of Illinois, sitting by designation.

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

re-entry after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Estrella-Romero contends that his sentence is substantively unreasonable in light of the age of his prior drug trafficking offense and because the district court gave undue weight to the length of the sentence imposed for that offense. The district court did not abuse its discretion in imposing Estrella-Romero's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The district court acknowledged that Estrella-Romero had not committed any non-immigration offenses since his drug trafficking conviction and varied downward from the Guidelines range by 15 months. The below-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances. *See id.* Furthermore, the district court's discussion of the length of Estrella-Romero's prior sentence reflected proper concern for deterrence and Estrella-Romero's lack of respect for the law.

**AFFIRMED.**