

MAR 21 2013

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NOT FOR PUBLICATION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.

JAIME VALENCIA-AMEZOLA,

Defendant - Appellant.

No. 11-50512

D.C. No. 3:11-cr-03687-JLS

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Janis L. Sammartino, District Judge, Presiding

Submitted March 12, 2013\*\*

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

Jaime Valencia-Amezola appeals from the district court's judgment and challenges the 46-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326.

---

\* 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).

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Valencia-Amezola contends that the district court procedurally erred by failing to explain sufficiently a 12-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A). We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The district court gave a thorough explanation of its sentence, and it was not required to consider a policy challenge to the Guidelines that Valencia-Amezola did not raise. *See United States v. Carper*, 659 F.3d 923, 925 (9th Cir. 2011).

Valencia-Amezola also contends that his sentence is substantively unreasonable in light of the staleness of his prior drug conviction, which triggered the 12-level enhancement. The district court did not abuse its discretion in imposing Valencia-Amezola's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence at the bottom of Guidelines is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Valencia-Amezola's seven prior criminal convictions and multiple prior deportations. *See id.*; *United States v. Orozco-Acosta*, 607 F.3d 1156, 1167 (9th Cir. 2010).

**AFFIRMED.**