

APR 22 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NOT FOR PUBLICATION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.

EMANUEL MEJIA, a.k.a. Isidro Castillo,
a.k.a. Isidro Castillo-Maldonado,

Defendant - Appellant.

No. 12-10485

D.C. No. 2:11-cr-00385-PMP

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Emanuel Mejia appeals from the district court's judgment and challenges the 30-month sentence imposed following his guilty-plea conviction for being an illegal alien in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(5)(A)

* 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).

and 924(a)(2). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Mejia contends that his sentence is substantively unreasonable in light of his low risk of recidivism, his history and characteristics, and because he only had constructive possession of the firearms. The district court did not abuse its discretion in imposing Mejia's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence at the bottom of the advisory Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including the fact that Mejia's residence contained not only guns, but also heroin and drug packaging materials. *See* 18 U.S.C. § 3553(a); *Gall*, 552 U.S. at 51.

AFFIRMED.