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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NOT FOR PUBLICATION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>Plaintiff - Appellee,</p> <p>v.</p> <p>EVER VELAZQUEZ-HELSEON,</p> <p>Defendant - Appellant.</p>
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No. 12-10651

D.C. No. 3:12-cr-00040-LRH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted July 24, 2013**

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

Ever Velazquez-Helseon appeals from the district court’s judgment and challenges the 77-month sentence imposed following his guilty-plea conviction for being a deported alien found unlawfully in the United States, in violation of 8 U.S.C. § 1326. 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).

Velazquez-Helseon contends that his sentence is substantively unreasonable, because (i) the 16-level enhancement resulted in a Guidelines range that overstates the seriousness of his offense, and (ii) his sentence is substantially longer than the 15-month sentence he received for a prior immigration offense. The district court did not abuse its discretion in imposing Velazquez-Helseon's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). Notwithstanding the length of Velazquez-Helseon's previous sentence, his current sentence at the bottom of the Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including his violent criminal history and two prior deportations. *See id.*

AFFIRMED.