

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 20 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EUGENIO ARREOLA-JIMENEZ, a.k.a.
Leonel Jimenez, a.k.a. Jose Perez, a.k.a.
Otto Vasquez, a.k.a. Trinidad Rios
Zamora,

Defendant - Appellant.

No. 12-50454

D.C. No. 2:12-cr-00556-PA-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted August 1, 2013 **

Before: GRABER, WARDLAW, and PAEZ, Circuit Judges.

Eugenio Arreola-Jimenez appeals from the district court's judgment and

* 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).

challenges the 77-month sentence imposed following his guilty-plea conviction for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Arreola contends that the district court procedurally erred by failing to properly consider his argument for leniency based on the extreme poverty of his childhood. 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 did not abuse its discretion in imposing Arreola's 77-month sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-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.*

AFFIRMED.