

SEP 10 2013

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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NOT FOR PUBLICATION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>ISMAEL ROBLES-PEREZ,</p> <p>Defendant - Appellant.</p>

No. 12-30330

D.C. No. 3:11-cr-00280-HA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ancer L. Haggerty, District Judge, Presiding

Submitted July 30, 2013**

Before: HUG, CANBY, and LEAVY, Circuit Judges.

Ismael Robles-Perez appeals from the district court’s judgment and challenges the 48-month sentence imposed following his guilty-plea conviction for illegal reentry, 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).

Robles-Perez contends that his sentence is substantively unreasonable in light of his psychological condition. The district court did not abuse its discretion in imposing Robles-Perez's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The 48-month sentence, well below the uncontested Guidelines range of 77 to 96 months, is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Robles-Lopez's extensive criminal history and five prior deportations. *See id.*

AFFIRMED.