

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 23 2013

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICARDO TLATEMPA-TORRES,

Defendant - Appellant.

No. 13-10139

D.C. No. 4:12-cr-01141-DCB-JR-
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MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted September 12, 2013**

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

Ricardo Tlatempa-Torres appeals from the district court's judgment and challenges the 46-month sentence imposed following his guilty-plea conviction for illegal re-entry after deportation, 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).

Tlatempa-Torres contends that the sentence, which is at the bottom of the applicable Sentencing Guidelines range, is substantively unreasonable. We review for abuse of discretion. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The district court did not abuse its discretion in imposing the 46-month sentence. The sentence is not substantively unreasonable in light of the totality of the circumstances and the 18 U.S.C. § 3553(a) factors, including the appellant's criminal history, the seriousness of the offense, and the need for the sentence to provide deterrence and protect the public. *See id.*; *United States v. Valencia-Barragan*, 608 F.3d 1103, 1108-09 (9th Cir. 2010).

AFFIRMED.