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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BALDOMERO VALDEZ-CASTENEDA,

Defendant - Appellant.

No. 13-10029

D.C. No. 2:12-cr-01808-GMS

MEMORANDUM\*

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

Submitted November 19, 2013\*\*\*

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Baldomero Valdez-Casteneda appeals from the district court’s judgment and challenges the 41-month sentence imposed following his guilty-plea conviction for

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The Honorable Ancer L. Haggerty, Senior United States District Judge for the District of Oregon, sitting by designation.

\*\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

reentry of a removed alien, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Prior to filing an answering brief, the government filed a motion for limited remand. Because the government does not allege that the district court committed any error, we deny the government's motion.

Valdez-Casteneda asserts various claims of procedural error. We review for plain error, *see United States v. Valencia-Barragan*, 608 F.3d 1103, 1108 (9th Cir. 2010), and find none. The record reflects that the court did not treat the Guidelines as mandatory, adequately considered the section 3553(a) sentencing factors and Valdez-Casteneda's variance arguments, and sufficiently explained the sentence to permit appellate review. *See United States v. Carty*, 520 F.3d 984, 992-93, 995 (9th Cir. 2008) (en banc).

**AFFIRMED.**