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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NOT FOR PUBLICATION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 style="text-align: center;">Plaintiff - Appellee,</p> <p>v.</p> <p>RICARDO SANDOVAL JIMENEZ, a.k.a. Sostense Huerta, a.k.a. Agustin Lionel, a.k.a. Rosendo Pineda, a.k.a. Jimenez Rogendo, a.k.a. Ricardo Sandoval, a.k.a. Richardo Sandoval,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 13-10109

D.C. No. 3:12-cr-00468-EMC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, District Judge, Presiding

Submitted December 17, 2013**

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Ricardo Sandoval Jimenez appeals from the district court’s judgment and challenges the 60-month sentence and three-year supervised release term imposed

* 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).

following his guilty-plea conviction for 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.

Sandoval Jimenez contends that the district court procedurally erred by failing to consider all of the 18 U.S.C. § 3553(a) sentencing factors, to consider and respond to his mitigating arguments, and to explain the sentence imposed. 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 district court adequately considered the section 3553(a) sentencing factors, adequately considered and responded to Sandoval Jimenez's mitigating arguments, and sufficiently explained the sentence and why a supervised release term was warranted. *See United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

Sandoval Jimenez next contends that the three-year term of supervised release is substantively unreasonable in light of U.S.S.G. § 5D1.1(c) (2011). The district court did not abuse its discretion. *See United States v. Valdavinosa-Torres*, 704 F.3d 679, 692 (9th Cir. 2012). The three-year term of supervised release is substantively reasonable in light of the totality of the circumstances, including Sandoval Jimenez's extensive criminal history and three prior deportations. *See id.* at 692-93; *see also* U.S.S.G. § 5D1.1 cmt. n.5.

AFFIRMED.