

JAN 24 2014

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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NOT FOR PUBLICATION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>WALTER VICENTE-GONZALEZ,</p> <p>Defendant - Appellant.</p>

No. 12-10530

D.C. No. 4:12-cr-00229-JGZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Warren W. Eginton, District Judge, Presiding**

Submitted January 21, 2014***

Before: CANBY, SILVERMAN, and PAEZ, Circuit Judges.

Walter Vicente-Gonzalez appeals from the district court’s judgment and challenges his guilty-plea conviction and 37-month sentence for reentry after

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

** The Honorable Warren W. Eginton, Senior United States District Judge for the District of Connecticut, sitting by designation.

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

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

Vicente-Gonzalez contends that his plea was not entered knowingly, intelligently, and voluntarily because he did not understand the nature and range of possible sentences. We review the voluntariness of a plea de novo. *See United States v. Gaither*, 245 F.3d 1064, 1068 (9th Cir. 2001). The record reflects that although Vicente-Gonzalez disliked the range of possible sentences he was facing, his plea was knowing, voluntary, and intelligent.

Vicente-Gonzalez also contends that the district court should have departed downward to account for his cultural assimilation. Our review of departures is limited to determining whether the district court imposed a substantively reasonable sentence. *See United States v. Vasquez-Cruz*, 692 F.3d 1001, 1008 (9th Cir. 2012), *cert. denied*, 134 S. Ct. 76 (2013). The sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances. *See Gall v. United States*, 552 U.S. 38, 51. (2007).

AFFIRMED.