

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 24 2014

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS LICEA-AVALOS, a.k.a. J. Jesus
Licea-Avalos

Defendant - Appellant.

No. 13-10136

D.C. No. 2:12-cr-00172-JAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted January 21, 2014**

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

Jesus Licea-Avalos appeals from the district court's judgment and challenges the 89-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United States, in violation of 8 U.S.C.

* 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).

§ 1326(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Licea-Avalos contends that his sentence is substantially unreasonable because his reason for reentering the United States was to protect the safety and welfare of his daughter. The district court did not abuse its discretion in imposing Licea-Avalos's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The within-Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Licea-Avalos's criminal history and the need for deterrence and protection of the public. *See id.*

AFFIRMED.