

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 16 2014

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDGAR BAJO-GONZALEZ,

Defendant - Appellant.

No. 13-10280

D.C. No. 2:13-cr-00164-GMS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted April 7, 2014**

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

Edgar Bajo-Gonzalez appeals from the district court's judgment and challenges the 77-month sentence imposed following his guilty-plea conviction for reentry of a removed alien, in violation of 8 U.S.C. § 1326. We have jurisdiction

* 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).

under 28 U.S.C. § 1291, and we affirm.

Bajo-Gonzalez contends the sentence is substantively unreasonable in light of the nature of the offense and the amount of time he had already spent in state custody when he was sentenced for the instant offense. He also argues the 16-level enhancement to his base offense level overstates the seriousness of his criminal history. The district court did not abuse its discretion in imposing Bajo-Gonzalez's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The low-end Guidelines sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including his criminal and immigration history. *See id.*

AFFIRMED.