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MOLLY C. DWYER, CLERK
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NOT FOR PUBLICATION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>ERLYN EDWARD BISHOP,</p> <p>Defendant - Appellant.</p>

No. 13-10339

D.C. No. 2:11-cr-00307-KJD

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted June 25, 2014**

Before: HAWKINS, TALLMAN, and NGUYEN, Circuit Judges.

Erlyn Edward Bishop appeals from the district court’s judgment and challenges the 77-month sentence imposed following his guilty-plea conviction for being a deported alien found unlawfully in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Bishop contends that the district court should have departed or varied downward from the advisory Guidelines range on the basis of his cultural assimilation and because the 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A) overstated the seriousness of his criminal history. Our review of this claim is limited to determining whether the court imposed a substantively reasonable sentence. *See United States v. Vasquez-Cruz*, 692 F.3d 1001, 1005 (9th Cir. 2012), *cert. denied*, 134 S. Ct. 76 (2013). The district court did not abuse its discretion in imposing Bishop's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The sentence at the bottom of the Guidelines range is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Bishop's extensive criminal and immigration history. *See* U.S.S.G. § 2L1.2 cmt. n.8; *Gall*, 552 U.S. at 51.

AFFIRMED.